



CDSS

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STATE OF CALIFORNIA—HEALTH AND HUMAN SERVICES AGENCY
DEPARTMENT OF SOCIAL SERVICES

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EDMUND G. BROWN JR.
GOVERNOR

May 19, 2016

ALL COUNTY INFORMATION NOTICE NO. I-34-16

TO: ALL COUNTY WELFARE DIRECTORS
ALL COUNTY WELFARE-TO-WORK COORDINATORS
ALL CalWORKs PROGRAM SPECIALISTS
ALL COUNTY REFUGEE COORDINATORS
ALL CONSORTIA MANAGERS

SUBJECT: PARTICIPATION CHANGES TO THE CALIFORNIA WORK
OPPORTUNITY AND RESPONSIBILITY TO KIDS (CalWORKs)
PROGRAM FINAL REGULATIONS IMPLEMENTING SENATE BILL
(SB) 1041 REQUIREMENTS

REFERENCE: SB 1041 (CHAPTER 47, STATUTES OF 2012), ALL COUNTY LETTER (ACL)
NO. 12-69, ALL COUNTY INFORMATION NOTICE (ACIN) NO. I-47-15

This letter transmits final regulations implementing the provisions of SB 1041 (Chapter 47, Statutes of 2012). The passage of SB 1041 on June 27, 2012, created significant changes to the CalWORKs program. The CalWORKs Welfare-to-Work (WTW) program emergency regulations became effective on January 22, 2015 and were transmitted via ACIN No. I-47-15. The attached final regulations were approved by the Office of Administrative Law and became effective on December 23, 2015. The final regulations amend the emergency regulations that were transmitted by ACIN No. I-47-15.

These regulations amend, adopt, and repeal WTW regulations, also known as the Manual of Policies and Procedures (MPP), to comply with SB 1041 by aligning CalWORKs Hourly Participation Requirements to Federal Temporary Assistance for Needy Families (TANF) requirements; implementing the WTW 24-Month Time Clock; reengaging CalWORKs Short-Term Exempt Individuals in WTW Activities; and establishing a new one-time young child exemption for adults with a child under 24 months of age.

In addition, the attached regulations make other technical, conforming changes, such as adding and renumbering of sections and amending cross references as necessary.

The attached regulations reflect changes to various chapter sections of the MPP, located at the following web address: <http://www.dss.cahwnet.gov/ord/PG302.htm>.

REASON FOR THIS TRANSMITTAL

- State Law Change
- Federal Law or Regulation Change
- Court Order
- Clarification Requested by One or More Counties
- Initiated by CDSS

All County Information Notice No. I-34-16

Please contact your CDSS Employment Bureau county consultant at (916) 654-2137, if you have questions or need additional information regarding the information in this letter.

Sincerely,

Original Document Signed By:

KÄREN DICKERSON, Chief
Employment and Eligibility Branch
Welfare to Work Division

Attachment

cc: CSAC
CWDA

Amend Section 42-302 to read:

42-302 48-MONTH TIME LIMIT REQUIREMENTS FOR ADULTS 42-302

.1 (Continued)

.2 (Continued)

.21 Exempt Months Any month in which any of the following conditions exist for any period during the month shall not count toward the 48-month limit as specified:

(a) (Continued)

(b) Providing Care The individual is exempt from welfare-to-work participation requirements due to:

(1) (Continued)

(2) (Continued)

(3) Being the parent or other relative who has primary responsibility for personally providing care to one child who is from 12 to 23 months of age, inclusive, or two or more children who are under six years of age. This paragraph is effective July 28, 2009 and shall become inoperative on January 1, 2013.

(A) An individual whose exemption ended on January 1, 2013, pursuant to Section 42-302.21(b)(3) shall not have months count toward his or her CalWORKs 48-month time limit until the CWD reengages him or her in the Welfare-to-Work Program pursuant to Section 42-712.8.

(4) Being the parent or other relative who has primary responsibility for personally providing care to one child from birth to 23 months, inclusive. An individual shall be eligible for this 48-month time limit exemption only one time under the CalWORKs Program. This paragraph is effective January 1, 2013. See Section 42-712.475.

(c) (Continued)

(l) Lack of Necessary
Supportive Services

The individual is excused from participation for good cause due to lack of necessary supportive services, as specified in Section 42-713.21. This paragraph is effective July 28, 2009 and shall become inoperative on January 1, 2013.

.22 (Continued)

.3 (Continued)

Authority Cited: Sections 10553, 10554, and 11369, ~~and 11454~~, Welfare and Institutions Code.

Reference: Sections 10553, 10554, 11253.3(a), 11266.5, 11320, 11320.3, 11454, 11454(e) and (e)(5), 11454.2, 11454.5, 11454.5(c), and 11495.1, Welfare and Institutions Code; Section 37 of AB 444 (Chapter 1022, Statutes of 2002); and 42 U.S.C. 608(a)(7)(a), (B) and (D).

Amend Section 42-701 to read:

42-701 INTRODUCTION TO WELFARE-TO-WORK

42-701

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.1 (Continued)

(a) (Continued)

(b) Minimum hourly participation requirements. All participants will be required to be engaged in employment and training activities for enough hours each week to allow for substantial progress toward employment goals.

(c) Flexibility in the types of activities recipients can participate in for 24 months. During a Welfare-to-Work 24-Month Time Clock period, adult recipients can participate in any of the CalWORKs activities they need, consistent with their assessments, to obtain employment and become self-sufficient. After this 24-month period is exhausted, adult recipients are limited to activities that meet CalWORKs federal standards in order for the adult to continue receiving cash aid.

(d) (Continued)

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.2 Definitions for Terms Used in This Chapter

(a) (1) (Continued)

(b) Reserved

(c) (1) "CalWORKs Federal Standards" means the participation requirements, specified in Section 42-709, a recipient may meet in order to not have a month count toward his or her Welfare-to-Work 24-Month Time Clock, specified in Section 42-708. It also means the participation requirements an adult recipient must meet when he or she has exhausted his or her Welfare-to-Work 24-Month Time Clock in order for the adult to remain eligible for cash aid.

(2) "CalWORKs Minimum Standards" means the minimum participation requirements an individual must meet, as described in Section 42-711.41, when he or she has months remaining on his or her Welfare-to-Work 24-Month Time Clock.

(3) (Continued)

- (4) (Continued)
- (5) (Continued)
- (6) (Continued)
- (7) (Continued)
- (d) (Continued)
- (e) (1) "Education Directly Related to Employment" means education related to a specific occupation, job, or job offer. The activity is primarily for adult education leading to a General Educational Development (GED) credential or high school equivalency diploma, where required as a prerequisite for employment.
 - (2) (Continued)
 - (3) (Continued)
- (f) (i) (Continued)
- (j) (1) (Continued)
 - (2) "Job Skills Training Directly Related to Employment" means training or education for job skills required by an employer to provide an individual with the ability to obtain employment or to advance or adapt to the changing demands of the workplace.
 - (3) (Continued)
 - (4) (Continued)
- (k) (m) (Continued)
- (n) Reserved
- (o) (1) "One-parent Assistance Unit", for purposes of Welfare-to-Work Program participation requirements, means an assistance unit that includes only one aided adult who is a natural or adoptive parent, a stepparent, as defined in Section 80-301(s)(11), or another caretaker relative.
 - (2) "On-the-job Training" means training in the private or public sector that is given to a paid participant while the participant is engaged in productive work. The employer is subsidized to offset training costs. This activity may also include paid classroom instruction as required by the participant's employer.

- (3) "Optional Stepparent" means a stepparent, as defined in Section 80-301(s)(11), who is not the caretaker relative of an eligible child, but has opted into the assistance unit in accordance with Section 82-828.2.

- (p) - (r) (Continued)

- (s) (1) "Self-employment" means employment by means of earning a living by working as a sole proprietor or other business entity and not as an employee of another. Self-employment must include compensation as defined under "employment" in Section 42-701.2(e)(2).

- (2) (Continued)

- (3) "Supplemental Refugee Services (SRS) Welfare-to-Work Component" means a supplemental services component, within the CalWORKs Welfare-to-Work Program, for CalWORKs refugees who would otherwise be temporarily excepted from the full range of Welfare-to-Work services due to Welfare-to-Work funding limitations.

- (4) (Continued)

- (t) (1) "Two-parent Assistance Unit", for the purposes of Welfare-to-Work Program participation requirements, means an assistance unit with two aided natural or adoptive adult parents.

- (u) (1) (Continued)

- (2) "Unsubsidized Employment" means employment in the public or private sector for which the welfare-to-work participant's employer is not reimbursed for wages and/or training costs by the CWD or via any other entity.

- (v) (1) "Vocational Education and Training" or "Vocational Educational Training" means organized educational programs that are directly related to the preparation of individuals for employment in current or emerging occupations, and includes, but is not limited to, college and community college education, adult education, regional occupational centers, and other occupational programs.

- (2) (Continued)

- (w) (1) (Continued)

- (2) (Continued)

- (3) "Welfare-to-Work 24-Month Time Clock" is defined in Section 42-708.11.

(4) (Continued)

(5) "Work Study" means a type of subsidized employment as described in 42-701.2(s)(2) in which the subsidized employment placements are made through a college where a welfare-to-work participant is enrolled and making satisfactory progress.

(x) - (z) (Continued)

Authority Cited: Sections 10531, 10553, and 10554, Welfare and Institutions Code.

Reference: ~~Section 8172, Education Code;~~ Sections 10063, 10800, 11320, 11320.3(a)(1) and (b)(3)(A), 11322.6, 11322.8, 11322.85, 11322.9, 11324.6, 11324.8, 11325.21, 11325.25, 11331.5, 11495, 11495.1, 11495.12, and 13280, Welfare and Institutions Code; ~~and Sections 15365.50 and 15365.55, Government Code;~~ and 42 U.S.C. 603(A)(5).

Adopt Section 42-708 to read:

42-708 WELFARE-TO-WORK 24-MONTH TIME CLOCK 42-708

.1 General Provisions and Applicability

.11 "Welfare-to-Work 24-Month Time Clock" refers to a cumulative 24-month period in an individual's lifetime, during which he or she may participate in any approvable activity pursuant to Section 42-716.1, so long as participation is consistent with his or her assessment under Section 42-711.55 and addresses at least one of the following:

.111 A particular need for barrier removal activities or other welfare-to-work activities that are not CalWORKs federal standards core activities as described in Section 42-709.31, including, but not limited to, vocational education beyond the 12-month limitation described in Section 42-709.315.

.112 The circumstances and career goals of the participant.

.12 Individuals subject to Welfare-to-Work 24-Month Time Clock

.121 All adults who are a member of an assistance unit and subject to welfare-to-work participation requirements are subject to the Welfare-to-Work 24-Month Time Clock.

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(a) This includes individuals whose needs have been removed from the family's cash aid due to ~~a school attendance penalty under Section 40-105.5 or~~ an Intentional Program Violation (IPV) under Sections 20-3501 through 20-353.

(b) This includes individuals who are in an assistance unit which is receiving a grant of less than \$10 per month.

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.122 If a participant transfers from one assistance unit into another assistance unit, his or her Welfare-to-Work 24-Month Time Clock transfers with him or her. The individual is not entitled to a new Welfare-to-Work 24-Month Time Clock or a restarting of his or her Welfare-to-Work 24-Month Time Clock due to the assistance unit transfer.

.13 Individuals who are not subject to the Welfare-to-Work 24-Month Time Clock

.131 Cal-Learn Exclusion

- (a) Individuals who are required to participate in, participating in, or exempt from the Cal-Learn Program as described in Sections 42-762 through 42-769 are not subject to the Welfare-to-Work 24-Month Time Clock.

.132 Non-Parenting Dependent Teens

- (a) Individuals who qualify for aid, are 16- or 17-years old, are non-parenting dependent teens, and are required to attend high school are not subject to the Welfare-to-Work 24-Month Time Clock.

.133 Non-Cal-Learn 19-Year Old Custodial Parents

- (a) Individuals who qualify for aid, are 19-years old, and have not obtained a high school diploma or its equivalency are not subject to the Welfare-to-Work 24-Month Time Clock.

.134 Non-Minor Dependent Exclusion

- (a) Individuals who are non-minor dependents and are not required to participate in welfare-to-work in accordance with Section 42-712.13.

.14 Individuals with a Break in Aid

.141 Individuals with a break in aid longer than 30 days, upon return to aid shall have a new welfare-to-work plan developed under Section 42-711.6.

- (a) If a participant was not previously assessed in accordance with Section 42.711.55, the participant must complete an assessment under Section 42-711.55.
- (b) If the participant was previously assessed in accordance with Section 42.711.55, the CWD shall evaluate whether a new assessment is needed based on the participant's specific circumstances.
- (c) Once the participant signs a new welfare-to-work plan in accordance with Section 42-711.6, his or her Welfare-to-Work 24-Month Time Clock starts the first of the following month after his or her plan sign date, unless the individual meets a condition described in Section 42-708.3 that allows for a month not to count toward his or her Welfare-to-Work 24-Month Time Clock.

- .142 Individuals with a break in aid of less than 30 days, who had an active welfare-to-work plan developed under Section 42-711.6 when he or she left aid, shall continue in his or her welfare-to-work plan if the welfare-to-work plan is appropriate based on the individual's specific circumstances and is consistent with his or her assessment under Section 42-711.55.
 - (a) The Welfare-to-Work 24-Month Time Clock will begin or resume the first of the month following the date the participant's aid resumed, unless the participant meets a condition described in Section 42-708.3 that permits a month not count toward his or her Welfare-to-Work 24-Month Time Clock.
 - (b) If the participant's welfare-to-work plan is no longer appropriate upon re-entry into the Welfare-to-Work program, months shall not count towards his or her Welfare-to-Work 24-Month Time Clock pursuant to Section 42-708.325 until he or she has signed a new welfare-to-work plan in accordance with Section 42-711.6.
 - (c) The CWD shall evaluate whether a new assessment is needed based on the participant's specific circumstances.
- .15 Impact of the CalWORKs 48-month Time Limit on the Welfare-to-Work 24-Month Time Clock
 - .151 Participants who have reached their CalWORKs 48-month time limit in accordance with Section 42-302.1, but have time remaining on their Welfare-to-Work 24-Month Time Clock are not entitled to continue participating in the welfare-to-work program unless they qualify for a 48-month time limit exception under Section 42-302.11.
 - .152 For a participant granted a 48-month time limit exception under Section 42-302.11 who has yet to exhaust the Welfare-to-Work 24-Month Time Clock, and who is required to participate in welfare-to-work, he or she may continue to participate in activities that meet CalWORKs minimum standards until his or her Welfare-to-Work 24-Month Time Clock is exhausted, at which time he or she must meet CalWORKs federal standards.
- .2 Counting Months Toward the Welfare-to-Work 24-Month Time Clock
 - .21 The Welfare-to-Work 24-Month Time Clock is effective January 1, 2013. No months prior to January 1, 2013 shall count toward a welfare-to-work participant's Welfare-to-Work 24-Month Time Clock.

- .22 Months shall begin counting toward a welfare-to-work participant's Welfare-to-Work 24-Month Time Clock the first of the following month after he or she signs a welfare-to-work plan in accordance with Section 42-711.6, which includes mutually agreed upon welfare-to-work activities under Section 42-716 and supportive services pursuant to Section 42-750.
- .23 Months count toward an individual's Welfare-to-Work 24-Month Time Clock in a cumulative fashion.
- .24 Any month in which a participant who is subject to the Welfare-to-Work 24-Month Time Clock meets a condition under Section 42-708.3 shall not count toward the participant's Welfare-to-Work 24-Month Time Clock.
- .25 When verification indicates an individual whose welfare-to-work plan is designed to meet CalWORKs federal standards has not met those standards in accordance with Section 42-709.52, the CWD shall begin counting months toward that participant's Welfare-to-Work 24-Month Time Clock the first of the month following the date the CWD received the verification.
 - .251 The CWD shall inform the participant of the change in status to his or her Welfare-to-Work 24-Month Time Clock in accordance with Section 42-708.63.
 - .252 Individuals who have not been assessed in accordance with Section 42-711.5 whose welfare-to-work plan consists solely of unsubsidized employment, and who fail to meet CalWORKs federal standards in accordance with Section 42-709.52 shall be referred to assessment and months will not begin counting toward that participant's Welfare-to-Work 24-Month Time Clock until the first of the following month after he or she signs a new welfare-to-work plan.
- .3 Conditions that Shall Make a Month Not Count Toward the Welfare-to-Work 24-Month Time Clock
 - .31 The individual meets CalWORKs federal standards as specified in Section 42-709.
 - .311 Any month during which a CWD receives verification that indicates an individual has participated in hours and approved activities that meet CalWORKs federal standards in accordance with Section 42-709.52, shall be retroactively restored to that individual's Welfare-to-Work 24-Month Time Clock.
 - .32 The individual meets any one of the following conditions:
 - .321 Welfare-to-Work Exemption

- (a) The individual qualifies for a welfare-to-work exemption from participation under Section 42-712.

.322 Good Cause

- (a) The individual is in a welfare-to-work plan that is designed to meet CalWORKs minimum standards and was excused by his or her CWD from participation in welfare-to-work activities for good cause in accordance with Section 42-713, for at least 50 percent of his or her hourly participation requirement for the month(s).

.323 Domestic Abuse

- (a) The individual has been identified as a past or present victim of domestic abuse and the CWD has granted a waiver for a month(s) to not count toward the Welfare-to-Work 24-Month Time Clock in accordance with Section 42.713.22.

.324 Welfare-to-Work Sanction

- (a) The individual is removed from the assistance unit due to a sanction pursuant to Section 42-721.4.

.325 Appraisal, Job Search, Assessment, or Developing a Welfare-To-Work Plan

- (a) The individual is participating in the appraisal process under Section 42-711.52, the assessment process pursuant to Section 42-711.55, job search pursuant to Section 42-711.53, or the individual does not have an active welfare-to-work plan and is in the process of developing a plan pursuant to Section 42-711.63.
- (b) The individual is participating in job search or job readiness that meets CalWORKs federal standards as specified in Section 42-709.
- (c) The individual is participating in a welfare-to-work plan developed in accordance with Section 42-711.6 where job search accounts for at least 50 percent of the individual's participation hours in a given month.
 - (1) Paragraph (c) is limited to two months in a 12-month period, and the individual must first exhaust the job search and job readiness allowance specified in paragraph (b).

.326 Excused Parent

- (a) The individual is an excused parent in an assistance unit in accordance with Sections 42-712.12 and 42-712.14.

- (1) If the mandatory parent fails to meet the assistance unit's participation requirement, the excused parent will become subject to welfare-to-work participation requirements and his or her Welfare-to-Work 24-Month Time Clock shall begin once requirements of Section 42-708.22 are met.
- (2) If the excused parent volunteers to participate, months do not count toward his or her Welfare-to-Work 24-Month Time Clock unless the situation provided in paragraph (1) occurs.
- (3) In accordance with Section 42-712.12, if the mandatory parent is fully meeting the assistance unit's hourly participation requirement and the excused parent is volunteering to participate in welfare-to-work, if the parents' combined number of hours and activities is such that the assistance unit meets CalWORKs federal standards in a given month, that month will not count toward the mandatory parent's Welfare-to-Work 24-Month Time Clock.

.4 Special Rules for Two-Parent Assistance Units

- .41 Each adult in a two-parent assistance unit has his or her own individual Welfare-to-Work 24-Month Time Clock pursuant to Section 42-708.121.
 - .411 Months will count toward the Welfare-to-Work 24-Month Time Clock for each adult in a two-parent assistance unit when the assistance unit meets CalWORKs minimum standards, unless one or both of the participants meet a condition under Section 42-708.3 that would make a month not count toward the Welfare-to-Work 24-Month Time Clock.

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- .42 The Welfare-to-Work 24-Month Time Clock Applied to Two-Parent Assistance Unit Configurations
 - .421 Two Mandatory Parents Participating and Sharing Hours
 - (a) If both parents in a two-parent assistance unit are required to participate in welfare-to-work and are meeting CalWORKs federal standards, months will not count toward either parent's Welfare-to-Work 24-Month Time Clock.
 - (b) If both parents participate but do not meet CalWORKs federal standards, both parents will have months count toward his or her respective Welfare-to-Work 24-Month Time Clock unless one or both meets a condition under Section 42-708.3 that makes a month not count toward the Welfare-to-Work 24-Month Time Clock.

.422 First Parent is Participating and Second Parent is Excused

- (a) If one parent agrees to fully meet the CalWORKs minimum standards for two-parent assistance units, the second parent is excused from welfare-to-work participation in accordance with Section 42-712.12 and months will not count toward the second parent's Welfare-to-Work 24-Month Time Clock.

.423 First Parent Participating and Second Parent is Exempt (other than an exemption based on a disability pursuant to Section 42-712.44)

- (a) When one parent has a welfare-to-work exemption that is not based on a disability, the other parent must fulfill the assistance unit's CalWORKs minimum standards, unless the exempt parent volunteers to participate and contribute toward the assistance unit's 35-hour per week participation requirement.
- (b) Months will not count toward the exempt parent's Welfare-to-Work 24-Month Time Clock.
- (c) Months will count toward the mandatory parent's Welfare-to-Work 24-Month Time Clock unless the assistance unit is meeting CalWORKs federal standards or the mandatory parent is found to meet a condition under Section 42-708.32 that makes a month not count towards the Welfare-to-Work 24-Month Time Clock.

.424 Two Parents Participating and One Parent is a Volunteer

- (a) Exempt and excused second parents may choose to volunteer in welfare-to-work.
- (b) Months do not count toward the exempt or excused second parent's Welfare-to-Work 24-Month Time Clock, regardless of whether they choose to volunteer in welfare-to-work.
- (c) An exempt or excused parent's voluntary participation may contribute towards meeting CalWORKs federal standards.
- (d) Any month that the assistance unit's total participation is such that it meets CalWORKs federal standards will not count toward the mandatory parent's Welfare-to-Work 24-Month Time Clock.

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.5 Special Rules for Other Assistance Unit Configurations

- .51 One-Parent Assistance Units with a Second Parent in the Home who has Reached the CalWORKs 48-month Time Limit
 - .511 Months will count toward the aided parent's Welfare-to-Work 24-Month Time Clock, unless he or she is found to meet a condition that makes a month not count toward the Welfare-to-Work 24-Month Time Clock in accordance with Section 42-708.3.
 - .512 When determining if the aided parent meets CalWORKs federal standards only, the CWD shall consider any hours for which the CWD has received verified documentation of participation by the second parent.
- .52 One-Parent Assistance Units with a Second Parent in the Home who is Sanctioned
 - .521 Months will count toward the non-sanctioned parent's Welfare-to-Work 24-Month Time Clock, unless that parent's level of participation meets CalWORKs federal standards or he or she is found to meet another condition that makes a month not count toward the Welfare-to-Work 24-Month Time Clock in accordance with Section 42-708.32.
 - .522 If a sanctioned parent complies with the requirements of Section 42-721.43, any hours he or she successfully completes in relation to Section 42-721.43 shall be considered for determining if the family is meeting CalWORKs federal standards only.
- .53 Assistance Units with Optional Stepparents
 - .531 Assistance Units with an optional stepparent as defined in Section 42-701.2(o)(3)
 - (a) Months will count toward an optional stepparent's Welfare-to-Work 24-Month Time Clock when he or she is participating to meet the assistance unit's CalWORKs minimum standards, unless he or she meets a condition that makes a month not count toward his or her Welfare-to-Work 24-Month Time Clock in accordance to Section 42-708.3.
- .54 Assistance Units with Three or More Adults
 - .541 In two-parent assistance units that also include an additional adult or adults, months will count toward the Welfare-to-Work 24-Month Time Clock of the one or two adults contributing hours to meet CalWORKs minimum standards.
 - .542 Additional adults who are not contributing hours will be excused from participation in accordance with Section 42-708.326.

- .543 An exempt or excused parent's voluntary participation may, in combination with the participation of one other adult, contribute toward meeting CalWORKs federal standards.
 - .544 Any month that the assistance unit's total participation is such that it meets CalWORKs federal standards will not count toward any adult's Welfare-to-Work 24-Month Time Clock.
- .6 Noticing Requirements for the Welfare-to-Work 24-Month Time Clock
- .61 CWDs are required to provide participants with a written notice informing them of the status of their Welfare-to-Work 24-Month Time Clocks at the following intervals:
 - .611 At the time an individual applies for cash aid.
 - .612 At the participant's annual redetermination for cash aid.
 - .613 At least once between months 18 and 21, inclusive, on a participant's Welfare-to-Work 24-Month Time Clock.
 - .614 At the time the participant has exhausted his or her Welfare-to-Work 24-Month Time Clock.
 - .62 The notice specified in Section 42-708.61 shall include all of the following:
 - .621 The number of months remaining on the participant's Welfare-to-Work 24-Month Time Clock.
 - .622 The participation requirements for individuals who have exhausted their Welfare-to-Work 24-Month Clock and that failure to meet those participation requirements may result in the noncompliant adult being removed from the assistance unit.
 - .623 How a participant may dispute the number of months counted toward his or her Welfare-to-Work 24-Month Time Clock.
 - .624 Information on how the participant may modify his or her welfare-to-work plan to meet CalWORKs federal standards under Section 42-709.
 - .625 Information on and how to apply for an exemption from welfare-to-work participation and an extension to the Welfare-to-Work 24-Month Time Clock.
 - .63 Noticing related to changes in participation

- .631 Except for individuals described in Section 42-708.252, when verification indicates an individual who has not exhausted his or her Welfare-to-Work 24-Month Time Clock and whose welfare-to-work plan is designed to meet CalWORKs federal standards in accordance with Section 42-711.63 has not met those standards, the CWD shall inform the individual of the following as soon as administratively feasible:
 - (a) That months will count toward the individual's Welfare-to-Work 24-Month Time Clock beginning the month following the date that the CWD verified that the individual was not meeting CalWORKs federal standards.

.7 Welfare-to-Work 24-Month Time Clock Extensions

.71 CWD Extension Estimates

- .711 The Department shall provide each CWD with an estimate of the number of Welfare-to-Work 24-Month Time Clock extensions available to the CWD in accordance with this section.
- .712 The estimated number of extensions for each CWD shall be equal to 20 percent of the assistance units in that CWD in which all adult members of the assistance unit have exhausted their Welfare-to-Work 24-Month Time Clock and at least one adult remains eligible for aid under the CalWORKs 48-month time limit.
- .713 The Department shall estimate the number of assistance units that will meet the criteria provided in Section 42.708.712 in each CWD for each six-month period commencing January 1, 2015, and shall transmit the estimated number of extensions available to each CWD in a manner determined by the Department.
- .714 If the number of estimated extensions available for the current six-month period is lower than the prior six-month period and the CWD has already exceeded the new estimate, the CWD shall not rescind extensions already granted to accommodate the lower figure.
- .715 Each CWD shall report information regarding the number and percentage of extensions granted.
- .716 If a CWD grants more extensions than the number that was estimated by the Department in accordance with Section 42-708.713, the Department may request the CWD to provide additional information including the actual number of assistance units to exhaust the Welfare-to-Work 24-Month Time Clock during that six-month period and factors that contributed to the actual number of extensions granted.

- (a) Upon receipt of the information requested in accordance with Section 42-708.716, the Department may request the CWD to submit a plan to bring the CWD into compliance with the number of extensions available.

.72 Requesting Extensions

.721 An individual who has exhausted his or her Welfare-to-Work 24-Month Time Clock who still has time remaining on the CalWORKs 48-month time limit and is unlikely to meet CalWORKs federal standards may request an extension to the Welfare-to-Work 24-Month Time Clock.

- (a) The individual may present evidence to the CWD that he or she meets any of the following circumstances:
 - (1) The individual is likely to obtain employment within six months.
 - (2) The individual has encountered unique labor market barriers temporarily preventing employment, and therefore needs additional time to obtain employment.

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- (A) Example 1: An individual qualified in forklift operation that is applying for a position at a manufacturing warehouse that will be opening soon or at a new construction project may be considered as likely to obtain employment within six months.
- (B) Example 2: Unique labor market barriers temporarily preventing employment may include situations where a primary employer in the local area has closed or moved, such as a factory that has recently shut down operation or relocated out of the area. This would create a significant labor force disruption, particularly in the situation where the industry field of the primary employer required a specialized skill set that may not be easily transferable to a different industry field.
- (C) Example 3: Unique labor market barriers temporarily preventing employment may also include local or regional natural disasters, such as a drought or freeze, which impact local labor markets in a way that temporarily causes a disruption to the labor force.

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- (3) The individual has achieved satisfactory progress in an education or treatment program, including adult basic education, vocational education, or a SIP under Section 42-711.54, that has a known graduation, transfer, or completion date that would meaningfully increase the likelihood of his or her employment.
- (4) The individual needs an additional period of time to complete a welfare-to-work activity specified in his or her welfare-to-work plan under Section 42-711.6, due to a diagnosed learning or other disability, which would meaningfully increase the likelihood of his or her employment.
- (5) The individual has submitted an application to receive Supplemental Security Income disability benefits, and a hearing date has been established.
- (6) The individual is a member of a two-parent assistance unit and the other parent has yet to exhaust his or her Welfare-to-Work 24-Month Time Clock.
 - (A) Such an individual may request an extension to the Welfare-to-Work 24-Month Time Clock on the condition that both parents' combined participation will meet CalWORKs minimum standards in accordance with Section 42-711.41.
 - (B) An extension granted under this paragraph is subject to Section 42-708.73 and is limited to the duration of the second parent's Welfare-to-Work 24-Month Time Clock.

.73 Extension Determinations and Duration

.731 Prior to determining whether an individual meets Welfare-to-Work 24-Month Time Clock extension criteria under Section 42-708.721(a), the CWD must review the individual's case to ensure an accurate accounting of the Welfare-to-Work 24-Month Time Clock in accordance with Section 42-708.

.732 Except for an extension to the Welfare-to-Work 24-Month Time Clock requested in accordance with Section 42-708.721(a)(5), a CWD shall grant an extension to the Welfare-to-Work 24-Month Time Clock to an individual who presents evidence that he or she meets any of the extension criteria under Section 42-708.721(a), unless the CWD determines that the evidence presented does not support the existence of the circumstances described in Section 42-708.721(a).

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- (a) An extension to the Welfare-to-Work 24-Month Time Clock in accordance with Section 42-708.721(a)(5) shall be granted if the individual provides the CWD with evidence that a hearing date has been established.
- .733 Except for an extension to the Welfare-to-Work 24-Month Time Clock requested in accordance with Section 42-708.721(a)(5), at any state hearing in which an individual disputes a CWD's denial of a Welfare-to-Work 24-Month Time Clock extension in accordance with Sections 42-708.721(a)(1) through (4), and (6), the CWD shall have the burden of proof to establish that an extension was not justified.
- .734 If a CWD identifies that an individual meets a circumstance described in Section 42-708.721 as a result of information already available to the CWD, including the client's welfare-to-work plan and verification of participation, the CWD may grant a Welfare-to-Work 24-Month Time Clock extension to the individual without requiring additional information or a formal request for an extension from the individual.
- .735 A Welfare-to-Work 24-Month Time Clock extension granted in accordance with Sections 42-708.732 through .734 shall be granted for an initial period of up to six months and shall be reevaluated by the CWD at least every six months.
- .8 Transitioning Individuals to Meet CalWORKs Federal Standards at the End of the Welfare-to-Work 24-Month Time Clock
 - .81 The CWD shall conduct a review with an individual who is approaching the end of his or her Welfare-to-Work 24-Month Time Clock to determine the individual's welfare-to-work participation status prior to the expiration of the individual's Welfare-to-Work 24-Month Time Clock.
 - .811 This review of an individual's welfare-to-work participation status must include the following:
 - (a) Determination of the number of months counted toward an individual's Welfare-to-Work 24-Month Time Clock in accordance with Sections 42.708.2 and 42.708.3.
 - (b) Review of any welfare-to-work exemption the individual may qualify for in accordance with Section 42-712.
 - (c) Review of any Welfare-to-Work 24-Month Time Clock extension the individual may qualify for in accordance with Section 42.708.72.

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- (d) Review of the individual's welfare-to-work plan to determine if additional hours or activities will be needed in order for the individual to meet CalWORKs federal standards upon the exhaustion of his or her Welfare-to-Work 24-Month Time Clock.

Authority Cited: Sections 10553, 10554, 10604, Welfare and Institutions Code; ~~SB 1041 (Chapter 47, Statutes of 2012), Sections 17, 18, and 19.~~

Reference: Sections 10553, 10554, 10604, 11253.3, 11320, 11320.3, 11322.8, 11322.85, 11322.86, 11322.87, 11454, 11454.2, and 11454.5, Welfare and Institutions Code; 45 CFR 260, and 42 U.S.C. 607(c) and (d).

Adopt Section 42-709 to read:

42-709 CALWORKS FEDERAL STANDARDS

42-709

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.1 General Provisions

- .11 The CalWORKs federal standards are based on the Temporary Assistance for Needy Families (TANF) participation requirements and to the extent permitted by this section, shall be construed in a manner consistent with TANF participation requirements.
- .12 Any months in which the adult recipient meets CalWORKs federal standards does not count toward the Welfare-to-Work 24-Month Time Clock pursuant to Section 42-708.31.
- .13 After the adult recipient has exhausted his or her Welfare-to-Work 24-Month Time Clock, unless exempt from participation under Section 42-712, the adult recipient must meet CalWORKs federal standards as a condition of cash aid eligibility of the adult.
- .14 Hourly participation requirements are determined in accordance with Section 42-709.2 by the number of parents or caretaker relatives included in the assistance unit, any optional stepparent, as defined in Section 42-701.2(o)(3), who is a member of the assistance unit, whether any other adults reside in the household, and the ages of the children living in the home.

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.2 Hourly Participation Requirements to Meet CalWORKs Federal Standards

- .21 An adult in one-parent assistance unit, as defined in Section 42-701.2(o)(1), that does not include an optional stepparent, as defined in Section 42-701.2(o)(3).
 - .211 Except as specified in Sections 42-709.212 and .213, an adult recipient who is not exempt from participation and who is in a one-parent assistance unit shall participate in welfare-to-work activities for an average of at least 30 hours per week during the month.
 - (a) An average of at least 20 hours per week of participation must be in core welfare-to-work activities, as specified in Section 42-709.31.

- .212 Unless otherwise exempt from participation, an adult recipient in a one-parent assistance unit where no other parent or caretaker relative resides in the household ~~may~~shall participate in welfare-to-work core activities for an average of at least 20 ~~core~~ hours per week during the month, as specified in Section 42-709.31 if one of the following conditions are met:
- (a) There is a child under six in the assistance unit.
 - (b) There is a child under six in the home who is not in the assistance unit, but the adult recipient exercises responsibility for the day-to-day care and control of that child.
- .213 Unless otherwise exempt from participation, an adult recipient in a one-parent assistance unit with a second parent in the home who has exhausted his or her 48-month time limit on cash aid or has been removed from the assistance unit pursuant to Section 42-~~721.4~~ shall participate in welfare-to-work activities for an average of at least 35 hours per week during the month, of which an average minimum of 30 must be in core activities as specified in Section 42-709.31.
- (a) A parent who has exhausted his or her 48-month time limit on cash aid may contribute toward the 35-hour requirement.
 - (b) For a parent who has been removed from the assistance unit pursuant to Section 42-721.4, if the noncompliant parent complies with the requirements of Section 42-721.43, any hours he or she successfully completes in relation to Section 42-721.43 shall be considered toward the 35-hour requirement.
- .22 An adult in a two-parent assistance unit that does not include an optional stepparent, as defined in Section 42-~~701.2~~(o)(3)
- .221 Unless exempt from participation, an adult recipient in a two-parent assistance unit whose basis for aid is unemployment shall participate in welfare-to-work activities for an average of at least 35 hours per week during the month, of which an average of 30 must be in core activities as specified in Section 42-709.31. The remaining hours can be in core or non-core activities as specified in Section 42-709.3.
- (a) Both parents may contribute toward the ~~30 core and 35 average total hourly requirements, including the requirement that an average of 30 hours be in core activities.~~

- .222 Unless exempt from participation, an adult recipient in a two-parent assistance unit where there is a second aided adult in the home who is exempt from welfare-to-work requirements due to a disability shall participate in welfare-to-work activities for an average of at least 30 hours per week during the month, of which an average of 20 must be in core activities as specified in Section 42-709.31. The remaining hours may be in core or non-core activities as specified in Section 42-709.3.
- (a) A disabled exempt parent may not contribute to the 30 hours.
- .23 Optional stepparents, as defined in Section 42-701(o)(3), in the assistance unit
- .231 The hourly participation requirements for meeting CalWORKs federal standards in an assistance unit that includes an optional stepparent are as follows:
- (a) A parent or caretaker relative resides in the household, but is not in the assistance unit.
- (1) Unless otherwise exempt from participation, the optional stepparent shall participate in welfare-to-work activities, as described in Section 42-709.3, for an average of at least 30 hours per week during the month, of which an average of 20 must be in core activities as specified in Section 42-709.31.
- (b) An assistance unit that has only one natural or adoptive parent
- (1) At the option of the assistance unit, either the natural or adoptive parent or the optional stepparent shall participate in welfare-to-work activities for an average of at least 30 hours per week during the month, of which an average of 20 must be in core activities as specified in Section 42-709.31.
- (2) Only one adult in the assistance unit can fulfill the minimum average 30-hour per week requirement.
- (3) If one adult in the assistance unit is exempt from participation, the other adult must fulfill the minimum average 30-hour per week requirement.
- (c) An assistance unit that has two natural or adoptive parents

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- (1) At the option of the assistance unit, one adult alone or in combination with the participation of another adult shall participate in welfare-to-work activities for an average of at least 35 hours per week during the month, of which an average of 30 must be in core activities as specified in Section 42-709.31.
 - (2) Only two adults in the assistance unit may combine hours to fulfill the ~~minimum and core per week hourly requirements~~ 35 average total hourly requirement, including the requirement that an average of 30 hours be in core activities.
 - (3) If one or more adults in the assistance unit are exempt from participation, the other nonexempt adult or adults, if any, must fulfill the ~~minimum and core hourly requirements~~ 35 average total hourly requirement, including the requirement that an average of 30 hours be in core activities.
- (d) An assistance unit that has two natural or adoptive parents and at least one is exempt from welfare-to-work requirements due to a disability.
- (1) At the option of the assistance unit, either the nonexempt natural or adoptive parent or the optional stepparent shall participate in welfare-to-work activities for an average of at least 30 hours per week during the month, of which an average of 20 must be in core activities as specified in Section 42-709.31.
 - (2) Only one adult in the assistance unit can fulfill the minimum average 30-hour per week requirement.
 - (3) If two adults in the assistance unit are exempt from participation, the nonexempt adult must fulfill the minimum average of 30-hour per week requirement.
- .3 Core and Non-Core Welfare-to-Work Activities for CalWORKs Federal Standards
- .31 Core activities for CalWORKs federal standards
- .311 Unsubsidized employment, as defined in Section 42-701.2(u)(2), and including
- (a) Self-employment as defined in Section 42-701.2(s)(1)
- .312 Subsidized employment, as defined in Section 42-701.2(s)(2), and including
- (a) Grant-based on-the-job training (OJT) as defined in Section 42-701.2(g)(2) and in accordance with Section 42-716.5

- (b) OJT, as defined in Section 42-701.2(o)(2)
- (c) Work study, as defined in Section 42-701.2(w)(5)
- .313 Work experience as defined in Section 42-701.2(w)(4) and in accordance with Section 42-716.31(d)
- .314 Community service as defined in Section 42-701.2(c)(5) and in accordance with Section 42-716.31(j)
- .315 Vocational education as defined in Section 42-716.1(m) that conforms to the following time limit limitation:
 - (a) Vocational education as a countable core activity is limited to a 12-month lifetime maximum.
- .316 Job search as defined in Section 42-701.2(j)(4) and job readiness as defined in Section 42-701.2(j)(3) that conforms to the following time limit limitation:
 - (a) Job search and job readiness is limited to four consecutive weeks, not to exceed six weeks in a 12-month period.
 - (b) Job readiness may include any of the following activities:
 - (1) Mental health treatment services as defined in Section 42-716.2
 - (2) Substance abuse treatment services as defined in Section 42-716.3
 - (3) Domestic abuse services as defined in Section 42-713.221
 - (4) Assessment pursuant to Section 42-711.55
- .317 Providing child care to a community service program participant
- .32 Non-core activities for CalWORKs federal standards
 - .321 Job skills training directly related to employment as defined in Section 42-716.1(l), ~~when an individual has not achieved a high school diploma or its equivalent.~~
 - .322 Education directly related to employment as defined in Section 42-716.1(o), when an individual has not achieved a high school diploma or its equivalent.
 - .323 Satisfactory attendance in a secondary school or in a GED course as defined in Section 42-716.1(p).

.4 Deeming ~~Core~~ Hours for Community Service and/or Unpaid Work Experience as a Core Activity

.41 When an individual participates in ~~community service or~~ unpaid work experience or community service for the maximum hours established in Section 42-716.1(d)(2) and Section 42-716.1(j)(2), respectively, the individual shall be deemed to meeting the core activity requirement.

.42 Individuals who are deemed to have met ~~core hours of participation in a core activity~~ in accordance with Section 42-709.41, must in addition to the actual hours worked in community service or unpaid work experience, participate in additional hours such that his or her total number of actual hours meets the requirements of Section 42-709.2. Additional hours may be in core or non-core activities.

.5 Determining Whether CalWORKs Federal Standards are Met

.51 Determining whether CalWORKs federal standards are met for participants with time remaining on their Welfare-to-Work 24-Month Time Clock whose welfare-to-work plan is designed to meet CalWORKs federal standards in accordance with Section 42-709.2

.511 Except as described in Section 42-709.512, CalWORKs federal standards are met in a month based on the scheduled hours of the participant.

.512 When verification indicates an individual has not met CalWORKs federal standards in accordance with Section 42-709.52, the CWD shall begin counting months toward that participant's Welfare-to-Work 24-Month Time Clock in accordance with Section 42-708.25.

.52 Determining whether CalWORKs federal standards are met in a month for purposes of determining compliance after exhausting the Welfare-to-Work 24-Month Time Clock or whether a month does not count toward the Welfare-to-Work 24-Month Time Clock for participants whose welfare-to-work plan is designed to meet CalWORKs minimum standards.

.521 CalWORKs federal standards are met in a month by participating for the required number of hours described in Sections 42-709.2 and .4 in welfare-to-work activities described in Section 42-709.3.

.522 Monthly participation must include verification of actual hours of participation.

.53 The required average number of participation hours per week in the month for each assistance unit, as described in Section 42-709.2, is determined by dividing the recipient's total number of participation hours for the month in all activities, described in Section 42-709.3, by 4.33.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 11322.6, 11322.8, 11322.85, 11325.21, and 11325.4, Welfare and Institutions Code; 42 U.S.C., Section 607(c)(1)(A), 42 U.S.C., Section 607(c)(2)(B), 42 U.S.C., Section 607(c)(1)(B), and 42 U.S.C., Section 607(c) and (d).

Amend Section 42-711 to read:

42-711 WELFARE-TO-WORK PARTICIPATION REQUIREMENTS 42-711

.1 Program Information for Applicants

.11 At the time an individual applies for aid or at the time a recipient's eligibility for aid is determined, the CWD shall do the following:

.111 (Continued)

.112 Provide the individual, in writing and orally as necessary, with information including:

(a) (Continued)

(b) A general description of the Welfare-to-Work 24-Month Time Clock described in Section 42-708, including the following:

(1) Activities individuals can participate in during the 24-month period, pursuant to Section 42-716.1.

(2) Conditions that make months not count toward the 24-month period, pursuant to Section 42-708.3.

(3) Activities that individuals shall participate in after they have exhausted the 24-month period in order for adults to remain eligible for cash aid pursuant to Section 42-711.7.

(c) (Continued)

.12 (Continued)

.2 - .3 (Continued)

.4 Hours of Participation

.41 Requirements to meet CalWORKs minimum standards for adults who have months remaining on their Welfare-to-Work 24-Month Time Clocks, as described in Section 42-708.

.411 Adult in One-Parent Assistance Unit that does not include an optional stepparent, as defined in Section 42-701.2(o)(3).

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- (a) Unless exempt from participation, an adult recipient in a one-parent assistance unit shall participate in welfare-to-work activities for an average of at least 30 hours per week during the month.
 - (b) Unless exempt from participation, an adult recipient in a one-parent assistance unit ~~may~~shall participate in welfare-to-work activities, described in Section 42-716.1, for an average of at least 20 hours per week during the month if one of the following conditions are met:
 - (1) There is a child under six in the assistance unit.
 - (2) There is a child under six in the home who is not in the assistance unit but the adult recipient exercises responsibility for the day-to-day care and control of that child.
- .412 Adult(s) in Two-Parent Assistance Unit, as defined in Section 42-701.2(t)(1), that does not include an optional stepparent, as defined in Section 42-701.2(o)(3).
- (a) Unless exempt from participation, an adult recipient in a two-parent assistance unit whose basis for aid is unemployment shall participate in welfare-to-work activities, as defined in Section 42-716.1, for an average of at least 35 hours per week during the month.
 - (1) Both parents in a two-parent assistance unit may contribute toward the 35-hour requirement.
 - (b) Unless exempt from participation, an adult recipient in a two-parent assistance unit where there is a second adult in the home who is exempt from welfare-to-work due to a disability shall participate in welfare-to-work activities for an average of at least 30 hours per week during the month.
 - (1) Unless also exempt from participation, the adult recipient may participate in welfare-to-work activities, described in Section 42-716.1, for an average of at least 20 hours per week during the month if one of the following conditions are met:
 - (A) There is a child under six in the assistance unit.
 - (B) There is a child under six in the home who is not in the assistance unit but the adult recipient exercises responsibility for the day-to-day care and control of that child.
 - (c) (Continued)

(1) (Continued)

.413 Assistance Units that Include Optional Stepparents as defined in Section 42-701.2(o)(3).

- (a) An assistance unit that has no natural or adoptive parent
 - (1) Unless otherwise exempt from participation, the optional stepparent shall participate in welfare-to-work activities, as described in Section 42-716.1, for an average of at least 30 hours per week during the month when there is no child under six.
 - (2) Unless otherwise exempt from participation, the optional stepparent may participate in welfare-to-work activities, as described in Section 42-716.1, for an average of at least 20 hours per week during the month if one of the following conditions are met:
 - (A) There is a child under six in the assistance unit.
 - (B) There is a child under six in the home who is not in the assistance unit but the adult recipient exercises responsibility for the day-to-day care and control of that child.
- (b) An assistance unit that has only one natural or adoptive parent
 - (1) At the option of the assistance unit, either the natural or adoptive parent or the optional stepparent shall participate in welfare-to-work activities, as described in Section 42-716.1, for an average of at least 30 hours per week during the month.
 - (2) The natural or adoptive parent or the optional stepparent may participate in welfare-to-work activities, as described in Section 42-716.1, for an average of at least 20 hours per week during the month if one of the following conditions are met:
 - (A) There is a child under six in the assistance unit.
 - (B) There is a child under six in the home who is not in the assistance unit but the adult recipient exercises responsibility for the day-to-day care and control of that child.
 - (3) Only one adult in the assistance unit can fulfill the minimum average 20- or 30-hour per week requirement.

- (4) If one adult in the assistance unit is exempt from participation, the other adult must fulfill the minimum average 20- or 30-hour per week requirement.
- (c) An assistance unit that has two natural or adoptive parents
 - (1) At the option of the assistance unit, one adult alone or in combination with the participation of another adult shall participate in welfare-to-work activities, as described in Section 42-716.1, for an average of at least 35 hours per week during the month.
 - (2) Only two adults in the assistance unit can fulfill the minimum average 35-hour per week requirement.
 - (3) If an adult in the assistance unit is exempt from participation, the other adult or adults must fulfill the minimum average 35-hour per week requirement.
- .42 Hours of participation for recipients who choose to meet CalWORKs federal standards and have months not count toward their Welfare-to-Work 24-Month Time Clocks, pursuant to Section 42-708, and recipients who have exhausted their 24-month time clocks are specified in Section 42-709.2.
- .43 The required average number of participation hours per week in the month for each assistance unit, as described in Section 42-711.4, is determined by dividing the recipient's total number of participation hours for the month in all activities, described in Section 42-716.1, by 4.33.
- .5 Assignment of Recipients to Welfare-to-Work Activities
 - .51 – .53 (Continued)
 - .54 Self-Initiated Programs (SIPs)
 - .541 – .543 (Continued)
 - .544 If participation in a SIP, as determined by the number of hours required for classroom, laboratory, or internship activities, is not at least the number specified in paragraph (a) or (b), the CWD shall require concurrent participation in work activities, pursuant to Sections 42-716.1(a) through (j) inclusive and in accordance with Section 42-711.5, to reach the hourly requirement.
 - (a) Except as provided in paragraph (b), the individual shall participate for at least an average of 30 hours per week during the month.

- (b) The individual may participate for an average of at least 20 hours per week during the month if one of the following conditions are met:
 - (1) There is a child under six in the assistance unit.
 - (2) There is a child under six in the home who is not in the assistance unit but the adult recipient exercises responsibility for the day-to-day control of that child.

.545 Participation in the self-initiated education or vocational training program must be reflected in the required welfare-to-work plan.

- (a) (Continued)
- (b) An individual participating in a SIP can voluntarily choose to end his or her SIP at any time before the program is completed. If the individual indicates an interest in ending the SIP, the county should discuss what other welfare-to-work plan options the individual may have, including whether an assessment would be necessary. When necessary, an assessment pursuant to Section 42-711.55 must be conducted prior to the individual choosing to end his or her SIP in order for the individual to make an informed decision about the activities that would replace the SIP hours in his or her welfare-to-work plan. This discussion must be documented in the individual's case file.

.546 - .549 (Continued)

.55 Assessment

.551 (Continued)

.552 Participants who are employed in unsubsidized employment with sufficient hours to meet the minimum hours of participation required under Sections 42-709.2 or 42-711.4, shall be referred to assessment if they wish to participate in additional welfare-to-work activities listed in Section 42-716.1. If they do not wish to participate in additional welfare-to-work activities, they may opt out of an assessment.

- (a) These individuals shall be informed that they will be required to sign a welfare-to-work plan.
- (b) They shall also be informed that if they do not go to assessment the welfare-to-work plan shall provide only for unsubsidized employment and necessary supportive services.

- (c) If at any time an individual who opted out of assessment does not meet his or her minimum hours of participation as assigned according to the welfare-to-work plan developed in accordance with Section 42-711.632, he or she shall be referred to assessment.

.553 – .556 (Continued)

.557 An assessment, described in Section 42-711.55, shall not be required to develop a welfare-to-work plan for participants in approved SIPs unless the CWD determines that an assessment is necessary to assign the participant to concurrent activities to meet the minimum hourly participation requirement specified in Section 42-711.44544.

.558 (Continued)

.56 - .57 (Continued)

.58 Evaluation

A participant with a suspected learning or medical problem, as determined by information received during appraisal or assessment or by lack of satisfactory progress in an assigned activity component, shall be referred to an evaluation. This evaluation shall be performed by a professional whose training qualifies them to determine whether the participant is unable to successfully complete or benefit from a current or proposed activity assignment. As part of the evaluation, the CWD may require the participant to undergo the appropriate examinations to obtain information regarding the participant's learning and physical abilities.

.581 Based upon the results of the evaluation, the CWD may refer the participant, as appropriate, to any of the following:

- (a) Any of the welfare-to-work activities described in Section 42-716.1 including referrals to the participant's previous activities.
- (b) (Continued)
- (c) (Continued)
- (d) Assessment in accordance with Sections 42-711.55.
- (e) (Continued)

.582 (Continued)

.6 Welfare-to-Work Plan and Universal Engagement

.61 (Continued)

.62 (Continued)

.621 - .623 (Continued)

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.624 (Continued)

.625 (Continued)

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.63 A participant shall take part in one or more welfare-to-work activities, in accordance with the requirements for the Welfare-to-Work 24-Month Time Clock, as described in Section 42-708, or for CalWORKs federal standards as described in Section 42-709, for the required minimum hours as specified in Sections 42-709.2 or 42-711.4, and as provided in the welfare-to-work plan.

.631 In developing a welfare-to-work plan, the CWD shall discuss all of the following with the participant:

- (a) The participation flexibility during the Welfare-to-Work 24-Month Time Clock period and the scope of activities that he or she may participate in including his or her ability to meet CalWORKs federal standards.
- (b) The conditions that allow a month not to count toward the Welfare-to-Work 24-Month Time Clock, including but not limited to, meeting CalWORKs federal standards in accordance with Section 42-709.5.
- (c) The welfare-to-work participation requirements for individuals who have exhausted their Welfare-to-Work 24-Month Time Clock pursuant to Section 42-711.7.

.632 In consultation with the participant, the CWD shall, consistent with the assessment conducted in Section 42-711.55, develop a welfare-to-work plan that is intended to meet either CalWORKs federal standards or to utilize the full range of activities available in accordance with the Welfare-to-Work 24-Month Time Clock.

.633 In determining the activities to be included in a welfare-to-work plan that utilizes the Welfare-to-Work 24-Month Time Clock or a plan intended to meet CalWORKs federal standards, all of the following shall be considered:

- (a) The participant's need for barrier removal activities or other welfare-to-work activities that may not meet CalWORKs federal standards.
- (b) The extent to which educational activities may be countable under CalWORKs federal standards.
- (c) The circumstances and career goals of the participant.

.634 A welfare-to-work plan developed to utilize the Welfare-to-Work 24-Month Time Clock shall be consistent with the assessment conducted in Section 42-711.55, and designed to remove particular barriers to employment or to meet the career goals of the participant in achieving self-sufficiency.

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.635

Example 1: An individual completes an assessment that states she is required to participate in the welfare-to-work program. She is in a one-parent assistance unit with a seven year old child and she has significant barriers to employment. In the assessment it is noted that she may have a learning disability, she has a substance abuse problem, and she does not have a high school diploma. She meets with her caseworker after a learning disability evaluation has been completed and her welfare-to-work plan is written, consistent with her assessment and learning disability evaluation taking full advantage of her Welfare-to-Work 24-Month Time Clock by having hours assigned for substance abuse services, adult basic education, and sufficient study time to accommodate her learning disability.

Example 2: An individual completes an assessment that states he is required to participate in the welfare-to-work program. He is in a one-parent assistance unit with a four year old child and has sufficient job skills and education. The assessment also states that he has suffered from mental health issues in the past. The CWD refers him to and he receives a mental health evaluation from the county mental health department. The participant meets with his caseworker shortly after the completion of the assessment and mental health evaluation. After discussing the results and the options available in regards to the Welfare-to-Work 24-Month Time Clock and CalWORKs federal standards, the participant expresses an interest in participating in mental health services as his sole activity for 20 hours per week. However, the mental health evaluation recommended that while he is stable at the time, he would benefit from bi-monthly counseling sessions. The CWD explains that while 20 hours a week of mental health services is not consistent with his assessment and mental health evaluation, the bi-monthly counseling sessions should be included in his welfare-to-work plan and works with him to find other activities to participate in that are consistent with his assessment.

Example 3: An individual completes an assessment that states she is required to participate in the welfare-to-work program. She is in a one-parent assistance unit with a two year old child and has limited job skills, a high school diploma, one year of college, and no noted barriers. She is currently working 20 hours per week as a waitress. She meets with her caseworker shortly after the completion of the assessment and they discuss the results of her assessment and the options available in regards to the Welfare-to-Work 24-Month Time Clock and CalWORKs federal standards. She tells her caseworker that she would like to stop working and go to the Radiologic Technology Program at the local community college to get a higher paying job. Even though she has not participated in a vocational education program while on cash aid, she tells her worker that she does not want a welfare-to-work plan designed to meet CalWORKs federal standards, as she wants to preserve her federal 12-month limit on vocational education. The caseworker explains to her that if she wants to attend the vocation education program full-time, she will be meeting CalWORKs federal standards and, therefore, must have a plan designed to meet CalWORKs federal standards. Her caseworker also explains that while she is meeting CalWORKs federal standards, those months will not count toward her Welfare-to-Work 24-Month Time Clock, so she will be preserving those months for full-time education when she exhausts her 12-month limit on vocational education under CalWORKs federal standards. She signs a welfare-to-work plan designed to meet CalWORKs federal standards.

Example 4: An individual completes an assessment that states that he is required to participate in the Welfare-to-Work Program. He is in a one-parent assistance unit with a seven year old child. The assessment notes that he could benefit from some job skills training, but does not have any barrier due to lacking basic literacy. The participant is currently working 20 hours a week as a cashier in a convenience store, but his career goal is to become a plumber. To reach his career goal, the participant wants to return to a plumbing program at a local community college for 20 hours a week, including appropriate homework time, and reduce his work hours to 10 hours per week. Since his requested activities are consistent with his assessment, he and his caseworker agree to a 20-hour per week plumbing job skills training program and 10 hours per week of unsubsidized employment. Because he has already used his 12-month lifetime limit for participating in a vocational education program, the caseworker also explained that his plan is designed to utilize his Welfare-to-Work 24-Month Time Clock, but that if he chooses at any time to work at least 20 hours a week and participate in job skills for at least 10 hours a week he would be meeting CalWORKs federal standards and months would not count towards his Welfare-to-Work 24-Month Time Clock.

HANDBOOK ENDS HERE

.64 The plan shall be written in clear and understandable language and have a simple, easy-to-read format.

.641 (Continued)

.642 The plan shall specify, and shall be amended to reflect changes in, the participant's welfare-to-work activities, a description of needed supportive services to be provided, and specific requirements for successful completion of assigned activities including required hours of participation.

(a) The plan shall also address school attendance of all children in the assistance unit for whom school attendance is compulsory, as specified in Section 40-105.5, and identify any participation required of the parent by the school to ensure the child's attendance. Such participation hours by the parent shall count toward the required hours of participation specified in Sections 42-711.4.

(b) The plan shall outline how hours of participation in welfare-to-work activities satisfy the participation requirements pursuant to Sections 42-709.2, 42-711.4 or 42-711.7.

(c) A participant in a welfare-to-work plan intended to meet CalWORKs federal standards shall meet those standards in accordance with the procedures specified in Section 42-709. In the case where a participant has not exhausted the Welfare-to-Work 24-Month Time Clock and is no longer meeting CalWORKs federal standards in accordance with those provisions, a new welfare-to-work plan designed to meet CalWORKs minimum standards shall be developed for the participant in accordance with this section.

.643 (Continued)

.644 If the CWD determines it to be appropriate and necessary for the removal of the participant's barriers to employment, an individual who lacks basic literacy or mathematics skills, a high school diploma or general educational development certificate, or English language skills, shall be assigned to participate in adult basic education as defined in Section 42-716.1(k).

.645 - .648 (Continued)

.7 Post Welfare-to-Work 24-Month Time Clock Participation Requirements

- .71 After an individual has exhausted his or her Welfare-to-Work 24-Month Time Clock described in Section 42-708, unless otherwise exempt, or having received an extension to the 24-Month Time Clock, the individual must meet CalWORKs federal standards in accordance with Section 42-709 for the individual to continue receiving cash aid.
 - .711 Except as provided in Section 42-711.72, an individual who fails to meet CalWORKs federal standards is subject to the noncompliance provisions pursuant to Section 42-721.
 - .712 The term "removed from cash aid" instead of "sanctioned" shall be used when referring to an individual who is in the noncompliance process described in Section 42-721.
- .72 In a two-parent assistance unit, an adult who has exhausted his or her Welfare-to-Work 24-Month Time Clock is excused from participation and will remain on aid when the second adult is the sole participant meeting CalWORKs minimum standards.

.8 - .9 (Continued)

Authority Cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code and SB 1569 (Chapter 672, Statutes of 2006).

Reference: Sections 11203, 11253.5(b), 11320.1, 11320.1(c), 11320.15, 11320.3, 11322.6, 11322.8, 11322.85, 11322.85(a)(2) and (3), 11322.86, 11324.8(a), (b) and (c), 11325.2, 11325.21, 11325.22, 11325.23(a), (b), (c), (e), and (f), 11325.24, 11325.25, 11325.4, 11325.5, 11325.6, 11325.7, 11325.8, 11326, 11327.4, 11327.5, 11327.6, 11454, 13283, 15204.2 and .8, 16501.1(d) and (f), and 18945(a), Welfare and Institutions Code; and 42 U.S.C. 607(c)(1)(A), (c)(1)(B)(ii), (c)(2)(A)(i), and (d).

Amend Section 42-712 to read:

42-712 EXEMPTIONS FROM WELFARE-TO-WORK PARTICIPATION 42-712

- .1 Every individual is required to participate in welfare-to-work activities as a condition of eligibility for cash aid under CalWORKs, unless exempt in accordance with Sections 42-712.41 through .49 or excused from participation as specified in Sections 42-712.11, .12, .13 or .14:
 - .11 (Continued)
 - .12 A second parent in a two-parent assistance unit, whose basis for aid is unemployment, who is not required to participate in welfare-to-work activities because the first parent is meeting the required participation hours described in Section 42-711.412.
 - .13 (Continued)
 - .14 A parent in an assistance unit that includes an optional stepparent, as defined in Section 42-701.1(o)(3), who is not required to participate in welfare-to-work activities because either the stepparent or the natural or adoptive parent is meeting the required participation hours described in Sections 42-711.413 (b) or (c), respectively, or Section 42-709.23.
- .2 - .3 (Continued)
- .4 Individuals who meet any of the criteria specified in Sections 42-712.41 through 42-712.49 are exempt from participating in welfare-to-work activities as a condition of eligibility for cash aid under CalWORKs for so long as the condition(s) described in such sections exist.
 - .41 – .46 (Continued)
 - .47 Exemption Based on the Care of a Child
 - .471 – .473 (Continued)
 - .474 The parent or other relative who has primary responsibility for personally providing care to one child who is from 12 to 23 months of age, inclusive, or two or more children who are under six years of age is exempt from welfare-to-work participation. This paragraph is effective July 28, 2009 and shall become inoperative on January 1, 2013.
 - .475 The parent or other relative who has primary responsibility for personally providing care to one child from birth to 23 months, inclusive. This paragraph is effective January 1, 2013.

- (a) An individual shall be eligible for the exemption in Section 42-712.475 only one time under the CalWORKs Program.

.48 - .49 (Continued)

.5 (Continued)

- .6 Any month in which an individual is exempt from participation in welfare-to-work activities based on the following exemption criteria shall not be taken into consideration as a month of receipt of aid in computing the 48-month time limit described in Section 42-302. Other exemptions from the 48-month time limit are listed in Section 42-302.

.61 - .63 (Continued)

- .64 Being responsible for personally providing care to a child or children of a specific age, as described in Section 42-712.474. This paragraph is effective July 28, 2009 and shall become inoperative on January 1, 2013.

.65 (Continued)

- .66 Being primarily responsible for personally providing care to one child from birth to 23 months, inclusive, as described in Section 42-712.475.

- .7 For an individual whose exemption ended on January 1, 2013, pursuant to Section 42-712.64, any month prior to the month in which the CWD reengaged the individual in the welfare-to-work program pursuant to Section 42-712.8 shall not be taken into consideration as a month of receipt of aid in computing the 48-month time limit described in Section 42-302.

.8 Reengagement

- .81 An individual whose exemption ended on January 1, 2013, pursuant to Section 42-712.474 is not required to participate in welfare-to-work activities until the CWD reengages him or her in the Welfare-to-Work Program.

- .82 An individual is reengaged in welfare-to-work activities the first of the month following the date he or she signs a welfare-to-work plan pursuant to Section 42-711.63 and is provided supportive services, pursuant to Section 42-750.1.

ATTACHMENT

- .83 CWDs shall reengage all individuals whose exemptions ended on January 1, 2013, pursuant to Section 42-712.474 by January 1, 2015, unless the individual is eligible for another exemption.

Authority Cited: Sections 10553, 10554, 10604, and 11369, Welfare and Institutions Code.

Reference: Sections 10553, 10554, 10063(b), 11253.3(a), 11253.5, 11320, 11320.3, 11320.3(g)(2), and (h)(1), (h)(2) and (h)(3), 11331.5(a), (b), (c), and (d), 11403, 11454, 11454.2, ~~and 11454.5,~~ and 11454.5(c), Welfare and Institutions Code; and 42 U.S.C. 5044(f)(2).

Amend Section 42-713 to read:

42-713 GOOD CAUSE FOR NOT PARTICIPATING

42-713

.1 - .3 (Continued)

.4 An individual who is excused from welfare-to-work participation for good cause is subject to the 48-month time limit in Section 42-302.

.41 - .42 (Continued)

.43 Effective July 28, 2009, any month in which an individual is excused from participation for good cause due to lack of supportive services, as specified in Section 42-713.21, shall not be counted toward the 48-month time limit. This paragraph shall become inoperative on ~~July 1, 2012~~January 1, 2013.

Authority Cited: Sections 10533, 10544, and 10604, Welfare and Institutions Code; SB_72 (Chapter 8, Statutes of 2011), Section 42.

Reference: Sections 11320.3(b) and (f), 11323.2, 11325.23(c), 11454, 11454.2, 11454.5, 11454.5(c), 11495, and 11495.1, Welfare and Institutions Code; 42 U.S.C. 607(e)(2); and 45 CFR 261.15.

Amend Section 42-714 to read:

42-714 FEDERAL WORK PARTICIPATION REQUIREMENTS

42-714

.3 (Continued)

- (a) (Continued)
- (b) Subsidized employment that is performed in the private sector;
- (c) Subsidized employment that is performed in the public sector;
- (d) - (l) (Continued)

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Authority Cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

Reference: Section 10544(b), Welfare and Institutions Code; and 42 U.S.C. 607(a), (b), (c), and (d).

Amend Section 42-716 to read:

42-716 WELFARE-TO-WORK ACTIVITIES

42-716

- .1 Upon the completion of initial engagement activities, or a determination that those activities are not required as an initial activity, the participant shall be assigned to any of the following welfare-to-work activities, as needed to obtain employment during the participant's Welfare-to-Work 24-Month Time Clock period as specified in Section 42-708.
- (a) Unsubsidized employment, as defined in Section 42-701.2(u)(2).
 - (b) Subsidized employment, as defined in Section 42-701.2(s)(2) that is performed in the private sector.
 - (c) Subsidized employment, as defined in Section 42-701.2(s)(2) that is performed in the public sector.
 - (d) (Continued)
 - (1) - (2) (Continued)
 - (3) The monthly limit in Sections 42-716.1(d)(2)(A) and (B) shall be considered to have been met by participation in an average weekly number of hours determined by dividing the monthly amount by 4.33 (average number of weeks per month).
 - (e) On-the-job training (OJT), as defined in Section 42-701.2(o)(2).
 - (f) Grant-based OJT, as defined in Section 42-701.2(g)(2) and pursuant to Section 42-716.5.
 - (g) Supported work or transitional employment, as defined in Section 42-701.2(s)(4), and pursuant to Section 42-716.5, except that only the grant or the grant savings can be diverted to the employer.
 - (h) Work study, as defined in Section 42-701.2(w)(5).
 - (i) Self-employment as defined in Section 42-701.2(s)(1).
 - (j) Community service as defined in Section 42-701.2(c)(5).
 - (1) (Continued)
 - (A) (Continued)

- (2) (Continued)
 - (A) A participant in unpaid community service activities whose assistance unit includes food stamp recipients may participate in these activities for no more than the number of hours each month, determined collectively for the assistance unit, equal to the CalWORKs assistance unit's grant plus the assistance unit's portion of the food stamp allotment divided by the higher of the state or federal minimum wage. If all or a portion of the CalWORKs assistance unit's grant has been diverted to an employer pursuant to Sections 42-701.2(g)(2) and 42-716.1(f), only that portion, if any, received as a grant and the assistance unit's portion of the food stamp allotment shall be used in this calculation.
 - (B) A participant in unpaid community service activities whose assistance unit does not include food stamp recipients may participate in these activities for no more than the number of hours each month, determined collectively for the assistance unit, equal to the CalWORKs assistance unit's grant divided by the higher of the state or federal minimum wage. If all or a portion of the CalWORKs assistance unit's grant has been diverted to an employer pursuant to Sections 42-701.2(g)(2) and 42-716.1(f), only that portion, if any, received as a grant shall be used in this calculation.
- (3) The monthly limit in Sections 42-716.1(j)(2)(A) and (B) shall be considered to have been met by participation in an average weekly number of hours determined by dividing the monthly amount by 4.33 (average number of weeks per month).
- (4) (Continued)
- (k) (Continued)
 - (1) (Continued)
 - (l) Job skills training directly related to employment, as defined in Section 42-701.2(j)(2).
- (m) (Continued)
- (n) Job search and job readiness assistance as defined in Sections 42-701.2(j)(2) ~~and (3) and (4)~~.
- (o) - (s) (Continued)

- .11 Assignment to an educational activity identified under Sections 42-716.1(k), (m), (o), and (p) is limited to those situations in which the education is needed to become employed.
- .12 Every CWD shall provide an adequate range of the activities described in Section 42-716.1 to ensure each participant's access to needed activities and services to assist him or her in seeking employment, to provide education and training the participant needs to find self-supporting work, and to arrange for placement in paid or unpaid work settings that will enhance a participant's ability to obtain unsubsidized employment.
- .2 - .3 (Continued)
- .4 Job Openings
 - .41 The employer or sponsor of an employment or training position specified in Section 42-716.1 shall assist and encourage qualified participants to apply for job openings in the sponsor's organization.
 - .42 (Continued)
 - .43 (Continued)
- .5 Grant based OJT
 - .51 (Continued)
 - .511 (Continued)
 - .512 (Continued)
 - .513 (Continued)
 - .514 (Continued)
 - .515 (Continued)
 - .516 An agreement by the participant acknowledging the participant's obligation to return to the CWD any recovered wages up to the amount of the corrective underpayment paid pursuant to Section 42-716.542.
 - .52 (Continued)
 - .53 The participant's diverted cash grant and grant savings shall be used by the employer for the sole purpose of subsidizing the participant's wages.

- .531 (Continued)
- .532 (Continued)
- .533 Nothing in this Section 42-716.53 shall preclude an employer from using its own funds to pay a portion of the participant's wages.
- .54 (Continued)
- (SAR).541 (Continued)
- .542 (Continued)
 - (a) (Continued)
 - (1) (Continued)
 - (b) (Continued)
- .55 (Continued)
- .56 The CWD shall not place grant-based OJT participants with an employer unless the employer agrees, at a minimum, to all of the following:
 - .561 (Continued)
 - .562 (Continued)
 - .563 (Continued)
 - .564 (Continued)
 - .565 That the employer's participation in grant-based-OJT funded job placements may be cancelled pursuant to Section 42-716.571.
- .57 (Continued)
 - .571 (Continued)
 - (a) (Continued)
 - (b) (Continued)
 - .572 (Continued)
- .58 (Continued)

.6 Education Activities

.61 An individual assigned to participate in adult basic education, job skills training directly related to employment, vocational education and training, ~~satisfactory progress in a secondary school or in a course of study leading to a certificate of general educational development, and~~ education directly related to employment, and satisfactory progress in a secondary school or in a course of study leading to a certificate of general educational development, as described in Sections 42-716.1(k), (l), (m), (o), and/or (p) respectively, may also be assigned supervised or unsupervised homework time as part of his or her welfare-to-work plan.

.611 Hours spent in supervised homework time and up to one hour of unsupervised homework time for each hour of class time may be assigned as participation in the assigned activity in the individual's welfare-to-work plan.

.612 Total homework time counted as participation must not exceed the hours required or advised by the education program.

.62 An individual assigned to participate in adult basic education, job skills training directly related to employment, vocational education and training, ~~satisfactory progress in a secondary school or in a course of study leading to a certificate of general educational development, and~~ education directly related to employment, and satisfactory progress in a secondary school or in a course of study leading to a certificate of general educational development, as described in Sections 42-716.1(k), (l), (m), (o), and/or (p) respectively, or participating in a Self-Initiated Program as described in Section 42-711.54, may elect to participate in distance learning for some or all of his or her classroom hours.

.621 Distance learning activities are subject to satisfactory participation standards as described in Section 42-711.8. No additional satisfactory participation standards may be required of participants in distance learning activities.

.7 Assembly Bill (AB) 98 Subsidized Employment

.71 AB 98 subsidized employment shall be used to place participants in subsidized employment that is performed in the private sector or subsidized employment that is performed in the public sector ~~subsidized employment~~ as indicated in Sections 42-716.1(b) and 42-716.1(c).

.711 To ensure cost neutrality to the state budget, AB 98 subsidized employment shall not be used to place participants in the following types of subsidized employment due to funding requirements:

(a) Grant-based on-the-job training as indicated in Section 42-716.1(f) and pursuant to Section 42-716.5.

(b) Supported work or transitional employment as defined in Section 42-701.2(s)(4), and pursuant to Section 42-716.5.

(c) Work study as indicated in Section 42-716.1(h).

.72 (Continued)

.721 (Continued)

(a) (Continued)

.722 (Continued)

(a) (Continued)

.723 (Continued)

(a) (Continued)

.73 (Continued)

.731 (Continued)

(a) (Continued)

.74 (Continued)

.741 (Continued)

.8 (Continued)

Authority Cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

Reference: Sections 11253.5(b), 11265.1, 11265.2, 11320.3(b)(2), 11322.6, 11322.61, 11322.63, 11322.64, 11322.7, 11322.8, 11322.9, 11323.25, 11324.4, 11324.6(a), 11325.21(a) and (d)(1), 11325.22(b)(1), 11325.7(a), (c), and (d), 11325.8(a), (c), (d), and (f), 11326, 11327.5, 11450.5, 11451.5, 11454, and 11454.2, Welfare and Institutions Code; and Section 8358(c)(2), Education Code; 7 U.S.C. 2029(a)(1); 7 U.S.C. 2035; U.S. Department of Labor guidance on FLSA, with attached U.S.D.A., Food and Nutrition Service (FNS) guidance on an SFSP, dated May 22, 1997; Simplified Food Stamp Program approval letters from FNS to implement the provisions of an SFSP, dated May 5, 2000, and August 3, 2000.

Amend Section 42-717 to read:

42-717 JOB RETENTION SERVICES

42-717

.1 - .6 (Continued)

.7 If the county provides services to the recipient after the 48-month limit has been reached, the recipient shall participate in community service or subsidized employment as described in Section 42-716.87.

Authority cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 11320.15, 11323.2(b), 11454, 11454.2, and 11500, Welfare and Institutions Code.

Amend Section 42-720 to read:

42-720 NONDISPLACEMENT PROTECTION IN WORK ACTIVITIES 42-720

.1 Displacement Provisions

Except as specified in Section 42-720.3, an education, employment, or training program position specified in Sections 42-716.1(a) through (l), or under any county pilot project, may not be created as a result of, or may not result in, any of the following:

.11 - .19 (Continued)

.2 (Continued)

.3 Notification of labor unions and non-union employees of the use of CalWORKs recipients.

.31 The CWD shall notify or ensure that an employment or training provider notifies.

.311 The appropriate labor union of the use of a CalWORKs recipient assigned to a welfare-to-work employment or training activity described in Section 42-716.1 or any position created under a county pilot project, in any location or work activity controlled by an employer and covered by a collective bargaining agreement between the employer and a union; or

.312 (Continued)

.4 - .6 (Continued)

Authority Cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

Reference: Sections 11324.5, 11324.6, and 11324.7, Welfare and Institutions Code.

Amend Section 42-721 to read:

42-721 NONCOMPLIANCE WITH PROGRAM REQUIREMENTS 42-721

.1 - .2 (Continued)

.3 Good Cause for Failure or Refusal to Comply with Program Requirements

.31 No sanctions shall be applied for failure or refusal to comply with program requirements for reasons related to employment, an offer of employment, an activity, or other training for employment including, but not limited to, the following reasons:
(Continued)

.313 The employment, offer of employment, activity, or other training for employment is remote from the individual's home because either:

(a) (Continued)

(b) (Continued)

(c) An individual who fails or refuses to comply with the program requirements based on the remoteness of the employment, offer of employment, activity, or other training for employment shall be required to participate in community service activities as defined in Section 42-701.2(c)(5), and in accordance with Section 42-716.1(j)(2).

.314 (Continued)

.4 Sanctions

.41 (Continued)

.42 The sanctions shall not apply in the following circumstances:

.421 To an individual who is exempt from the welfare-to-work requirements and is voluntarily participating in the Welfare-to-Work Program. If an exempt volunteer engages in conduct that would bring about the sanction procedures described ~~below~~ in Sections 42-721.43 through .45, but for his or her status as a volunteer, the individual shall not be given priority over other participants actively seeking to participate.

.422 Except as specified in paragraph (a), an individual who chooses to include more participation hours in his or her welfare-to-work plan than is required pursuant to Section 42-711.4, shall not be subject to a sanction if the number of hours he or she completes in a week is at least the number of hours required in Section 42-711.4.

(a) Section 42-721.422 does not apply to individuals who fail to continue employment, or continue employment at the same level of earnings, pursuant to Sections 42-721.222 and .223 respectively without good cause.

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Example A: Jennifer is the mother of a four year old son and lives with her husband, John, who is unaided due to his citizenship status. Jennifer is only required to participate for 20 hours each week to meet the minimum welfare-to-work participation hours as she has months remaining on her Welfare-to-Work 24-Month Time Clock. However, Jennifer wants to meet CalWORKs federal standards so that months are not counted toward her Welfare-to-Work 24-Month Time Clock. Therefore, Jennifer's welfare-to-work plan includes 20 hours of employment and 10 hours of job skills training directly related to employment.

In the week of April 14, Jennifer does not attend her job skills training directly related to employment activity, but she completes her employment hours. In this situation, Jennifer is not subject to a noncompliance process, regardless of the reason she did not attend her job skills training activity, because she met the minimum number of hours (20) that she is required to participate.

Example B: Robert is the father in a one-parent assistance unit made up of three children ages 8, 10 and 11 years old. Robert's welfare-to-work plan states he needs to work an average at least 30 hours per week, which he consistently performs in an unsubsidized employment job and he has months remaining on his Welfare-to-Work 24-Month Time Clock.

In the week of April 13th, Robert voluntarily decreases his hours worked to 25 hours per week without developing a new welfare-to-work plan and as a result is noncompliant and if he does not increase his number of hours worked to the amount required by his welfare-to-work plan, he will be subject to sanction.

HANDBOOK ENDS HERE

.45 In a two-parent assistance unit whose basis for deprivation is unemployment, the sanctioned parent shall be removed from the assistance unit.

.451 - .452 (Continued)

.453 For purposes of this section, if a spouse or second parent is participating to avoid the sanction of the noncomplying parent, the exemption criteria for care of an ill or incapacitated member of the household pursuant to Section 42-712.46, or the care of a young child pursuant to Section 42-712.47 do not apply. Any other exemption or good cause criteria, as described in Sections 42-712 and 42-713 and compliance procedures described in Section 42-721, shall apply to the sanctioned parent's spouse or the family's second parent.

.454 - .455 (Continued)

.46 - .49 (Continued)

.5 (Continued)

Authority Cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

Reference: Sections 11203, 11265.2, 11320, 11320.3, 11320.31, 11322.85, 11322.9, 11324.8(d), 11327.4, 11327.5(a) through (e), 11327.6, 11327.8, 11327.9, 11328.2, 11333.7, 11454, 11454.2, and 16501.1(d), (e), (f), and (g), Welfare and Institutions Code.

Amend Section 42-722 to read:

42-722 LEARNING DISABILITIES PROTOCOLS AND STANDARDS 42-722

.1 - .5 (Continued)

.6 Learning Disabilities Participation Requirements

.61 Unless exempt pursuant to Section 42-712, an individual with a learning disability must participate for the required number of hours as specified in Sections 42-711.41 or 42-709.2.

.7 - .8 (Continued)

Authority Cited: Section 10553, Welfare and Institutions Code.

Reference: Sections 10850, 11320.3(f), 11322.8, 11322.85, 11325.2(a), 11325.25, 11325.4, 11325.5, 11327.4, 11327.5, 11454, and 11454(a) and (b), Welfare and Institutions Code.

Amend Section 42-802 to read:

**42-802 JOB, TRAINING, AND EDUCATION FOR RCA
 WELFARE-TO-WORK PARTICIPANTS**

42-802

.1 (Continued)

.2 Work experience as described in Section 42-716.1(d).

.21 Repealed by Manual Letter No. EAS-98-03, effective 7/1/98.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code; Senate Bill 1041
(Chapter 47, Statutes of 2012).

Reference: Sections 11320, 11321.6(b) and (d), 11322.6 and 11322.85, Welfare and
 Institutions Code; and 45 CFR 400.203.

Amend Section 42-1009 to read:

42-1009 MANDATORY COMPONENTS FOR SRS PARTICIPANTS 42-1009

- .1 The SRS Component shall include the following four services and activities.
 - .11 Any educational activity below the postsecondary level that the agency determines to be appropriate to the participant's employment goal. Such activities may be combined with training that the agency determines is needed in relation to the participant's employability plan. The educational activities that shall be made available include, but are not limited to:
 - .111 (Continued)
 - .112 Basic and remedial education that will provide an individual with a basic literacy level in accordance with Section 42-716.11.
 - .113 (Continued)
 - .12 – .14 (Continued)

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code, and Senate Bill 1041 (Chapter 47, Statutes of 2012).

Reference: Sections 11322.6, 11322.85 and 13280, Welfare and Institutions Code.

Amend Section 44-111 to read:

44-111 PAYMENTS EXCLUDED OR EXEMPT FROM CONSIDERATION AS INCOME 44-111

.1 (Continued)

.2 Exemption of Earned Income

.21 – .22 (Continued)

.23 \$225/225 and 50% Disregards

.231 – .232 (Continued)

.233 Wages derived from a diverted grant and/or grant savings and paid to CalWORKs recipients who are participants in the grant-based OJT programs specified in Sections 42-716.1(f) and (g) shall not be eligible for the \$225 and 50 percent earned income disregard.

.24 - .25 (Continued)

.3 - .6 (Continued)

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code; SB 72 (Chapter 8, Statutes of 2011), Section 42 and Senate Bill 1041 (Chapter 47, Statutes of 2012).

Reference: Sections 10553, 10554, 11008.15, 11265.2, ~~11280~~, 11322.6, 11322.6(f)(3), 11322.85, 11157, 11450.5, 11450.12, and 11451.5, ~~and 11451.7~~, Welfare and Institutions Code; ~~42 USC Section 602(g)(1)(E)(i)~~; Section 8, Public Law 93-134; Section 2, Public Law 98-64; Section 13736, Public Law 103-66; Section 1, Public Law 100-286, Section 202(a), Public Law 100-485 and 20 USC 1087uu; 45 CFR 233.20(a)(3)(iv)(B), (a)(3)(xxi), 45 CFR 233.20(a)(4)(ii); (a)(4)(ii)(d); 45 CFR 233.20(a)(4)(ii)(p) and (q); 45 CFR 233.20(a)(11)(v)(C); ~~45 CFR 255.3(f)(1)~~; 45 CFR 400.66; 45 CFR 401.12; Federal Action Transmittals ACF-AT-94-27 and 94-4 and FSA-IM-89-1; 45 CFR 233.20(a)(1)(ii); 45 CFR 233.20(a)(3)(x); and Cadaret v. Wagner (Super. Ct. Sacramento County, 2011, No. 34-2009-80000302, Stipulation for Settlement and Order).