



CDSS

WILL LIGHTBOURNE
DIRECTOR

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

744 P Street • Sacramento, CA 95814 • www.cdss.ca.gov



EDMUND G. BROWN JR.
GOVERNOR

REASON FOR THIS TRANSMITTAL

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

May 11, 2012

ALL COUNTY INFORMATION NOTICE NO. I-27-12

ALL COUNTY WELFARE DIRECTORS
ALL COUNTY CALFRESH COORDINATORS

SUBJECT: ABLE-BODIED ADULTS WITHOUT DEPENDENTS STATEWIDE
WAIVER FOR FFY 2013

REFERENCE: WELFARE AND INSTITUTIONS CODE SECTION 18926; FEDERAL
MEMORANDUM DATED MARCH 21, 2012

The purpose of this letter is to inform counties that the United States Department of Agriculture, Food and Nutrition Service (FNS) has announced that 46 states or geographic areas, including the state of California, qualify for a waiver of the Able-Bodied Adults Without Dependents (ABAWD) work requirement. This waiver does not affect any other work requirement and sanctions for non-compliance may still be imposed. The waiver is approved for Federal Fiscal Year (FFY) 2013 which runs from October 1, 2012 through September 30, 2013. This information was released by FNS in an Administrative Notice (AN) dated March 21, 2012.

Consistent with the provisions of Welfare and Institutions Code Sections 18926, the California Department of Social Services (CDSS) CalFresh Branch has informed FNS of California's interest in participating in the ABAWD waiver. California received a statewide ABAWD waiver for FFY 2012. As no counties opted out of the waiver in 2012, no CalFresh recipients are currently subject to the ABAWD work requirement in California. Other work requirements still apply.

Effective October 1, 2012, the ABAWD waiver will continue for all counties within California except for those counties that decline to participate. This letter contains ABAWD policy information for counties that choose to participate in the ABAWD waiver. Instructions are also provided for any counties that choose not to do so.

Federal Supplemental Nutrition Assistance Program (SNAP) law and regulations provide that FNS may waive the ABAWD work requirement for a state, or portions of a state, that meets at least one of the federally-established waiver criteria. These criteria include a determination by the U.S. Department of Labor's (DOL) Unemployment Insurance Service that an area qualifies for Extended Benefits (EB).

The EB program provides up to 13 weeks of extra benefits for workers who have exhausted their 26 weeks of state Unemployment Insurance Benefits (UIB). The DOL EB Trigger Notice 2011-52, effective January 8, 2012, indicates that 46 States or geographic areas, including California, met the EB criteria.

Implementation Policies

Counties are reminded of the following ABAWD waiver implementation policies:

ABAWD waiver counties must continue to report work registrants, ABAWDs, and Employment and Training (E&T) data on the CalFresh Program Work Registrant, ABAWD, and CalFresh E&T Caseload Report (STAT 47) and the Annual Work Registrant and CalFresh E&T Caseload Report (STAT 48). For purposes of completing the STAT report forms, persons who do not meet one of the ABAWD exemptions at Manual of Policies and Procedures (MPP) Sections 63-410.31 or .32 are still considered ABAWDs even while residing in a county with a waiver.

ABAWD waiver counties must not establish a 36-month calendar for a new ABAWD applicant during the waiver period.

ABAWD waivers do not affect CalFresh E&T participation requirements or program sanction rules for E&T mandatory placements. Counties have the freedom to offer either mandatory or voluntary E&T components. Work registrants who participate in E&T on a voluntary basis shall not be subject to CalFresh sanctions if they fail to satisfy E&T program requirements. However, mandatory E&T participants who fail without good cause to satisfy the requirements of an E&T activity to which they are assigned shall be subject to CalFresh sanctions even if they live in a county with an ABAWD waiver.

ABAWD waiver counties must continue to apply sanction requirements at MPP Section 63-408 to CalFresh work registrants who either voluntarily quit a job that is 30 hours or more per week (or provides weekly earnings equal to or greater than the federal minimum wage times 30), or who reduce the weekly number of hours worked to less than 30. If the hours worked are less than 30 hours to begin with, no sanction shall be imposed.

Individuals who were previously discontinued for failure to meet the ABAWD work requirement and subsequently reapply for non-assistance CalFresh in a waiver county shall be approved for benefits, if otherwise eligible. Such

persons are not subject to the ABAWD work requirement so long as they live in a county where it is waived.

Those counties that participate in the waiver must inform their ABAWD population that they are not subject to the ABAWD work requirement for those months they reside in the county so long as the waiver is in effect.

Procedure for Declining an ABAWD Waiver

The FFY 2013 ABAWD waiver will be effective October 1, 2012 unless a county notifies CDSS via a letter or similar documentation that it intends to pursue opting out of the ABAWD work requirement waiver. If your county declines to participate in the waiver, please inform CDSS of your intent to opt out of the waiver by **July 1, 2012**. The letter/document should be sent to Robert Nevins of the CalFresh Branch using the contact information shown below.

Robert Nevins, Analyst
California Department of Social Services
CalFresh Branch
744 P Street, M.S. 8-9-32
Sacramento, CA 95814
E-mail: robert.nevins@dss.ca.gov
Fax: (916) 654-1295

If you have any questions concerning this letter, please contact Robert Nevins at (916) 654-1408.

Sincerely,

Original Signed by:

LINDA PATTERSON, Chief
CalFresh Branch