



CDSS

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REASON FOR THIS TRANSMITTAL

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

January 15, 2013

ALL-COUNTY INFORMATION NOTICE NO. I-01-13

TO: ALL COUNTY WELFARE DIRECTORS

SUBJECT: POLICIES AND PROCEDURES FOR CALFRESH WORK REGISTRATION

REFERENCE: WELFARE AND INSTITUTIONS CODE SECTION 18926.5; MANUAL OF POLICIES AND PROCEDURES (MPP), DIVISION 63, SECTIONS 63-407

The purpose of this letter is to clarify policies and procedures for the non-assistance CalFresh work registration process and define expectations of CalFresh work registrants. Questions have been raised regarding the treatment of work registrants which are the result of significant changes in the CalFresh program during the past several years. These changes include (a) implementation of automated data tracking systems, (b) elimination of the requirement that all counties offer a CalFresh Employment and Training (E&T) program, (c) enactment of the Able-Bodied Adult Without Dependents (ABAWD) work requirement, and (d) the expanded E&T deferral criteria established under Welfare and Institutions Code section 18926.5 (added by Senate Bill 43 (Chapter 507, Statutes of 2011)).

Definition of Work Registrant

A work registrant is a CalFresh applicant or recipient who does not meet one of the work registration exemptions at MPP Section 63-407.21. Individuals are exempt from work registration if they are:

- Younger than 16 years of age or 60 years of age or older;
- 16- or 17-year-old who is not head of household, or who is attending school or enrolled in an employment training program at least half time;
- Physically or mentally unfit for employment;
- Complying with CalWORKs Welfare-To-Work requirements;
- Caring for a dependent child under age six or an incapacitated person;
- Receiving or has applied for unemployment insurance benefits;

- Participating in a drug or alcohol treatment program that prohibits employment of 30 hours or more per week;
- Employed or self-employed at least 30 hours per week or receiving weekly earnings at least equal to the federal minimum wage multiplied by 30 hours; or
- Enrolled in a school, training program or institution of higher education on at least a half time basis. Only persons enrolled in an institution of higher education must satisfy the student eligibility criteria in Manual of Policies and Procedures (MPP) Section 63-406.2.

To help maintain a clear understanding of who is and who isn't a work registrant, County Welfare Departments (CWD) should remember the following:

- Work registrants are not to be confused with ABAWDs. ABAWDs are those work registrants who do not qualify for one of the ABAWD exemptions at MPP Section 63-410.31. ABAWD exemptions consist of work registration exemptions listed at MPP Section 63-407.21 as well as exemptions based on age (under 18 or over 49), pregnancy, and living in a CalFresh household with a child under age 18. Thus, ABAWDs are a subset within the work registrant population.
- A CWD's work registrant population is the same regardless of whether the CWD offers a CalFresh E&T program. A non-assistance CalFresh recipient who does not meet one of the work registration exemptions is considered a work registrant, even if he/she is not assigned to an E&T component.
- The new provisions at Welfare and Institutions Code section 18926.5 have no impact on the definition of work registrant. Section 18926.5 expands the list of work registrants who are deferred from mandatory E&T participation, but such persons are still work registrants even though they are no longer required to participate in E&T. The terms deferred and exempt are distinct from one another and must not be used interchangeably. Deferrals are criteria by which work registrants shall be excused from mandatory participation in the E&T program.

Work Registrant Requirements

Regulations at MPP Section 63-407.4 establish work registrant requirements. Work registrants must comply as follows:

- Participate in mandatory E&T components if assigned by the CWD (E&T is currently a voluntary program in all participating CWDs);
- Provide sufficient information to determine employment status or availability for work;
- Report to an employer when referred by the CWD or its designee;
- Accept a bona fide offer of suitable employment; and
- Not voluntarily quit a job of 30 or more hours a week or reduce work hours to fewer than 30 hours a week in accordance with regulations at MPP Section 63-408.

Many work registrants will not be asked to perform any of the general work registrant requirements and such individuals will remain eligible for CalFresh provided they do not voluntarily quit a job or reduce hours worked. Many CWDs have chosen not to offer E&T and even within E&T CWDs, many work registrants are not targeted for E&T participation. The general work registrant requirements to provide information regarding availability for work, accept an offer of employment, and report to an employer when referred will only be enforced when a CWD is aware of suitable employment opportunities. Persons not asked to perform general work registrant requirements are still considered work registrants and should be counted and tracked for reporting purposes.

The Work Registration Process

Before a CWD can enforce any applicable work registration requirements, it must first ensure that all non-exempt CalFresh applicants and recipients are registered for work. Federal regulations require persons who do not qualify for a work registration exemption to register for work or be registered by the state as a condition of eligibility. In seeking to comply with state and federal regulations, CWDs have raised questions about the role of the CWD and the CalFresh applicant or recipient in the work registration process.

Within California, CWDs have adopted a variety of processes for work registering CalFresh recipients. Some CWDs have required individuals to register for work by reporting to an employment office. Some have required individuals to complete work registration forms. The majority of CWDs determine an individual's work registrant status at application and the information is entered into the case file. In this case, the individual is not required to take additional steps to complete the work registration process.

California Department of Social Services strongly advises CWDs to assume responsibility for the work registration process. As part of the application and recertification interview, the CWD should determine which persons are work registrants and this information should be noted in their case record and entered into the CWD's automated data tracking system. Once this is complete, the individual is considered registered for work. Individuals are neither required to report to employment offices or complete work registrant forms as part of the work registrant process. Such steps are unnecessarily burdensome for CWDs and CalFresh applicants and recipients.

Relationship Between Work Registrant Counts and County E&T Funding

County Welfare Departments are reminded that a direct correlation exists between the size of California's work registrant population and the amount of 100 percent federal dollars issued by the Food and Nutrition Service (FNS) for administration of the CalFresh E&T program. FNS utilizes data reported by CWDs on the quarterly STAT 47 and 48 reports to determine the number of work registrants in California. Therefore, it is essential that CWDs have a work registration process in place that contributes to the

accurate reporting of all new work registrants who apply for CalFresh. This is best accomplished by eliminating unnecessary work registration activities for CalFresh applicants and recipients such as registering with employment offices and completing additional work registration forms.

If you have any questions concerning this letter, please contact your CalFresh county consultant or call the CalFresh Policy Bureau at (916) 654-1896.

Sincerely,

Original Document Signed By:

LINDA PATTERSON, Chief
CalFresh Branch