

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814



April 19, 2000

ALL-COUNTY INFORMATION NOTICE NO. I-42-00

TO: ALL COUNTY WELFARE DIRECTORS

REASON FOR THIS TRANSMITTAL

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

SUBJECT: FOOD STAMP EMPLOYMENT AND TRAINING (FSET) AND
 ABLE-BODIED ADULTS WITHOUT DEPENDENTS (ABAWD)
 REGULATION AMENDMENTS

REFERENCE: ACIN I-53-99

This letter transmits revised FSET and ABAWD regulations contained in regulations package ORD #0898-23 which took effect February 1, 2000. A copy of these proposed regulations was sent to you on November 17, 1999. The proposed regulations were filed with the Secretary of State on December 27, 1999, with an effective date of February 1, 2000. A copy of the endorsed, filed regulations was mailed to you on February 29, 2000. Counties must retroactively apply these regulation changes back to February 1, 2000 for all persons in receipt of federal food stamps or under a food stamp work requirement sanction as of that date.

Below is a summary of the significant regulatory changes contained in this package and, where necessary, a more detailed description of their impact on revised food stamp sanction, FSET participation and ABAWD requirements. This regulation package contains the following changes:

- Clarifies that when a California Work Opportunity and Responsibility to Kids (CalWORKs) recipient ends a welfare-to-work sanction, he/she is exempt from food stamp work registration and his/her food stamp sanction shall end. The individual shall be approved for food stamps if otherwise eligible.
- Permits assignment of a FSET participant to a job search period of up to 30 days prior to sending the participant to a workfare site. The job search period may be used at application or certification, but not at recertification. Those who participate in workfare job search must do so for at least 12 hours during the 30-day period. The 30-day job search period provides an additional means by which FSET program participants may satisfy the ABAWD work requirement and regain eligibility after failing to meet this requirement.

- Provides counties the option of requiring persons assigned to FSET to participate in workfare at food stamp application. Workfare is another means by which FSET participants can regain food stamp eligibility after failing to meet the ABAWD work requirement.
- Amends language so those months in which food stamps are received in any state shall count when determining if the ABAWD work requirement has been met. Previously, when an ABAWD moved to California, his/her compliance with the ABAWD requirement in other states was not considered in determining whether his/her food stamp application would be approved in California. This amendment will affect the start date for and determination of ABAWD months within the 36-month period.

When an individual moves to California and applies for food stamps, the county should inquire as to whether the applicant was subject to and complying with the ABAWD work requirement in the previous state of residence. If the answer is yes, the 36-month period, which began in the previous state, is still in effect and months for which the ABAWD work requirement was not met shall count against the three-month limit in California. The application will be denied if the county learns that the ABAWD used up the three allowable months and has not yet regained eligibility. The policy of counting ABAWD months outside of California also applies when an individual leaves California during his 36-month period and subsequently returns and reapplies before the 36-month period is completed. This policy supercedes that contained in ACL 98-21, questions seven and eight.

- Requires counties to provide written information at application and recertification that explains the ABAWD work requirement. This will help to ensure those food stamp applicants and recipients are adequately informed.
- Amends language so that employment at any wage may be used to meet the work requirement. Previously, employment was only acceptable if it met certain minimum wage criteria contained in food stamp regulations. This amendment allows more ABAWDs to meet their work requirement through means such as self-employment ventures.
- Adopts language mandating that food stamp recipients submit documentation verifying the number of hours worked when the ABAWD requirement is met through employment. This is necessary because, with the elimination of the minimum wage requirement, the amount of income reported will no longer be an indication of compliance with the hourly ABAWD rule.

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- Exempts from the ABAWD work requirement, an individual who qualifies for any of the food stamp work registration exemptions. Previously, the work registration exemption, based on an individual working 30 hours per week, was not considered an ABAWD exemption.
- Provides that when an applicant regains eligibility by completing a workfare assignment during the 30-day application period, benefits shall be issued back to the date of application.

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

Sincerely,

*Original Document Signed By
Charr Lee Metsker on 4/19/00*

CHARR LEE METSKER, Chief
Employment and Eligibility Branch

Attachment

c: CWDA
CSAC

DEPARTMENT OF SOCIAL SERVICES

February 23, 2000

TO: ALL COUNTY WELFARE DIRECTORS

SUBJECT: NOTIFICATION OF APPROVED REGULATIONS

TITLE: FS EMPLOYMENT AND ABLE-BODIED (ORD #0898-23)
ADULT WITHOUT DEPENDENTS

A copy of the proposed regulations cited above was sent to you on November 17, 1999. This letter is to inform you that these regulations have been approved.

The proposed regulations were filed with the Secretary of State on December 27, 1999 with an effective date of February 1, 2000. An advance copy of the endorsed filed regulations is attached.

Manual letter pages incorporating the regulation changes will be issued in approximately two months.

If you need further clarification regarding these regulations, please contact the appropriate program policy bureau.

Please contact me at (916) 657-2586 or CALNET 437-2586, if you have any questions concerning the regulations process.

DEANNA J. SETZER, Chief
Office of Regulations

Development

Attachments

bc: ORD File MS 7-192
ORD Chron MS 7-192

Adopt Section 63-032 to read:

63-032 IMPLEMENTATION OF FOOD STAMP EMPLOYMENT
AND TRAINING (FSET) AND ABLE-BODIED ADULT
WITHOUT DEPENDENTS (ABAWD) REVISIONS

63-032

.1 Implementation of the amendments to Sections 63-407.54, .841(b), .855; 63-410, .211, .212,
.213(c), .31, and .323 shall become effective on February 1, 2000.

Authority Cited: Sections 10553, 10554, and 18904, Welfare and Institutions Code.

Reference: Sections 10554 and 18904, Welfare and Institutions Code.

Amend Section 63-407 to read:

63-407 WORK REGISTRATION REQUIREMENTS (Continued)

63-407

.5 Failure to Comply; Good Cause; Notification; and Sanctions (Continued)

.54 When an individual who is registered for work under the programs specified in Sections 63-407.21(c) or (e), or in a substitute program as specified in Section 63-407.23, is sanctioned under that program for noncompliance with a work requirement, the individual shall also receive Food Stamp Sanctions in accordance with Section 63-407.5. (Continued)

.543 When an individual identified in Section 63-407.54 regains eligibility by complying with the program requirement previously violated, the individual is again exempt from work registration. The food stamp sanction period identified in Section 63-407.531, .532 or .533 shall end and the individual shall be approved for food stamps if otherwise eligible. (Continued)

.8 Food Stamp Employment and Training Program (Continued)

.84 Program Requirements

.841 Program Components (Continued)

(b) Work Components

(1) Workfare, which consists of ~~a nonsalaried~~ an unpaid training assignment with a public or private nonprofit agency that provides the registrant an opportunity to develop basic work habits or to practice existing skills.

(A) As part of the workfare component, the CWD may establish a job search period of up to 30 days prior to sending the registrant to a workfare site. This job search period may only be established at application or certification, not at recertification.

(AB) Individuals assigned to workfare shall be provided the same benefits and working conditions provided to employees performing comparable work for comparable hours.

(BC) A workfare assignment cannot result in the displacement of employed individuals or in the reduction of employment opportunities, such as substituting a workfare person in a vacant position. (Continued)

.85 Participation Requirements (Continued)

.855 Participation requirements in a work component, as described in Section 63-407.841(b), imposed collectively on members of a household each month shall be limited to the number of hours equal to the household's allotment for the month divided by the higher of the applicable state or federal minimum wage.

(a) Assignment to workfare may occur at food stamp application. When an applicant completes a workfare or work experience assignment during the 30-day application period and is otherwise eligible for food stamps, he/she must be issued benefits back to the date of application (the monthly food stamp allotment being compensation for the hours worked).

(1) When determining hours of participation for applicants assigned to workfare, counties shall either use the household's prospective allotment or a range of typical food stamp allotments.

(2) The level of effort for persons assigned to workfare job search identified in Section 63-407.841(b)(1)(A) shall be comparable to spending at least 12 hours a month making job contacts. (Continued)

Authority Cited: Sections 10553, 10554 and 18904, Welfare and Institutions Code.

Reference: Sections 10554 and 18904, Welfare and Institutions Code; 7 CFR 273.1(d)(2); 7 CFR 273.7(d)(1)(ii)(A) and (E); ~~7 CFR 273.7(f), (f)(1)(vi), (f)(2), and (f)(4)(ii); 7 CFR 273.7(h); 7 CFR 273.22(f)(3); 7 U.S.C. 2014(e); 7 U.S.C. 2015(d)(2), (d)(4)(I)(i)(II), and (o); 7 U.S.C. 2029(e); U.S.D.A. Food and Nutrition Service Administrative Notice 94-39; and Public Law 104-193, Section 815, 817, 819 and 824 (Personal Responsibility and Work Opportunity Reconciliation Act of 1996); and U.S.D.A. Food and Consumer Nutrition Service Administrative Notices 94-39, 97-22, and 97-65, 98-33, 98-42, 98-57 and 99-05.~~

Amend Section 63-410 to read:

63-410 FOOD STAMP WORK REQUIREMENT FOR ABLE-BODIED
ADULTS WITHOUT DEPENDENTS (ABAWD)

63-410

An individual not exempt under Section 63-410.3 shall be ineligible for food stamps if, during the 36-month period identified in Section 63-410.1, the individual received food stamps ~~in California~~ for three months or more without satisfying the participation requirements or exemption criteria of Section 63-410.2 or .3, respectively. The 36-month period referred to in this section does not include any period prior to November 22, 1996. Months in which food stamps are received for only part of the month shall be counted when determining whether the eligibility requirement contained in this section has been met. Counties shall provide written information at application and recertification which outlines the requirements contained in Section 63-410. (Continued)

.2 ABAWD Work Requirement Defined

.21 The ABAWD work requirement is fulfilled by performing one of the following:

.211 Working 20 hours or more per week (averaged monthly);

(a) ~~Hours worked in employment which is considered unsuitable in accordance with Sections 63-407.711 and .712 shall not count toward the 20-hour weekly minimum identified in Section 63-410.211.~~ The food stamp recipient shall submit documentation verifying the number of hours worked. (Continued)

.212 Participating in a workfare program as defined in Section 20 of the Food Stamp Act (7 U.S.C. 2029) or in a comparable program; ~~or~~. This includes workfare job search identified in Section 63-407.841(b)(1)(A); or

.213 Participating in an allowable “work program” for 20 hours or more per week (averaged monthly). For purposes of this section, an allowable work program means one of the following: (Continued)

(c) A program of employment and training approved by a state agency, including the Food Stamp Employment and Training (FSET) program described in Section 63-407.8, and refugee employability services identified in 45 CFR 400.154.

(1) ~~Hours spent in job search or job search training activities as part of an employment and training program identified in Section 63-407.841 (a)~~ shall not count toward completion of the ABAWD work requirement. (Continued)

.3 Exemptions

The following individuals are exempt from the ABAWD work requirement:

.31 Persons exempt from the work registration requirements as specified in Section 63-407.21, ~~except for those exempt for working a minimum of 30 hours weekly or receiving weekly earnings at least equal to the Federal minimum wage multiplied by 30 hours (Section 63-407.21(g));~~

.32 An individual who is: (Continued)

.323 Any adult living in a household that contains a dependent child.
(Continued)

.5 Regaining Eligibility

.51 An individual denied eligibility for failing to satisfy the ABAWD work requirement may regain eligibility if, during a 30-day period, the individual performs one of the following: (Continued)

.512 Participates in a workfare assignment; ~~or;~~
(Continued)

(a) when an applicant regains eligibility by completing a workfare assignment during the 30-day application period, benefits shall be issued back to the date of application; or (Continued)

Authority Cited: Sections 10553, 10554 and 18904, Welfare and Institutions Code.

Reference: Sections 10554 and 18904, Welfare and Institutions Code; 7 U.S.C. 2015(d)~~(4)~~ and (o); ~~and Public Law 104-193, Sections 815 and 824(b) (Personal Responsibility and Work Opportunity Reconciliation Act of 1996);~~ Implementation instructions received from Yvette S. Jackson, Deputy Administrator, Food and Consumer Service (FCS), in August 1996; and Waiver letter received from Yvette S. Jackson, Deputy Administrator, FCS, dated August 26, 1996; instructions received from Dennis Stewart, Regional Director of the Food Stamp Program, Food and Nutrition Service (FNS) dated April 21, 1998, instructions received from Dennis Stewart, Regional Director of the Food Stamp Program, FNS dated March 12, 1999; Administrative Notices (ANs) 97-44, 98-33, 98-34, and 98-57; 7 CFR 273.7(i)(1)(i) and (ii); and 45 CFR 400.154.