

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, California 95814



May 21, 2001

ALL-COUNTY INFORMATION NOTICE NO. I-37-01

TO: ALL COUNTY WELFARE DIRECTORS
ALL COUNTY FOOD STAMP
COORDINATORS

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: PARTICIPATION REQUIREMENTS FOR FOOD
STAMP EMPLOYMENT AND TRAINING (FSET) PROGRAM
PARTICIPANTS AND ABLE-BODIED ADULTS WITHOUT DEPENDENTS
(ABAWDs)

The purpose of this letter is to transmit the enclosed tables that have been developed at the request of counties. These tables clarify the participation requirements for ABAWDs and non-ABAWDs in FSET and non-FSET counties. The tables may also be used as a desk aid or training tool for county staff. The tables do not supercede any regulations governing FSET participation requirements contained in Manual of Policies and Procedures (MPP) Section 63-407, or the ABAWD work requirement as defined in MPP Section 63-410. However, there are two changes to current policies that are discussed below in which state regulations will be amended to reflect the revised federal policies.

First, in light of the Food and Nutrition Service's (FNS) Administrative Notice 97-40 and their recent clarification, the participation requirements for self-initiated workfare have been changed. Hours of participation in self-initiated workfare will now be determined by dividing the household's food stamp allotment by the higher of the federal or state minimum wage. Previously, counties were instructed to require participation of 20 hours per month and were told that additional hours could be required at county option. The new policy of using the minimum wage calculation supercedes the instructions contained in All County Letter (ACL) 98-07, Enclosure I and All County Information Notice I-76-00, question 11.

Second, revised federal ABAWD regulations at 7 CFR Section 273.24 (a)(3)(iii) provide that training programs which satisfy the ABAWD work requirement, including FSET vocational education and training components, may include participation in job search or job club. However, the number of hours spent in job search/job club must be combined with another training activity (i.e., it cannot be a stand-alone activity), and it must be less than half of the total hours required for the training activity. For example, a vocational training component of 15 hours per week may include a maximum of seven hours per

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week in job search. (Please refer to the description of Vocational Training and Education activities contained in the ABAWD column of Enclosure 1.)

The table on Enclosure 1 is for counties that participate in the FSET program and the table on Enclosure 2 is for counties that do not participate in the FSET program. The tables clarify the minimum and maximum hours of required participation and provide the regulation/authority for each component/activity. Enclosure 1 also describes how FSET activities may be combined to meet the ABAWD work requirement. At the end of each table is a summary of the work registration exemptions, ABAWD exemptions, the ABAWD work rule, Food Stamp sanctions, and the new State minimum wage that went into effect on January 1, 2001.

If there are any questions, please call Robert Nevins at (916) 654-1408. If counties are interested in receiving an electronic version of the tables in Microsoft Word for purposes of customizing them to reflect the activities offered in their counties, please e-mail your request to Tony Pyara at tony.pyara@dss.ca.gov or telephone him at (916) 657-2630.

Sincerely,

Original Signed By
Charr Lee Metsker
on 05/21/01

CHARR LEE METSKER, Chief
Employment and Eligibility Branch

Enclosures

c: CWDA
CSAC

PARTICIPATION REQUIREMENTS IN FSET COUNTIES

Activities	ABAWDs	Non-ABAWDs	Authority
30-Day Job Search Prior to Workfare (FSET activity)	Satisfies the ABAWD work requirement. Hours are set by the county. Minimum of 12 hours per month; maximum of 120 hours per month when combined with education & training.	Hours are set by the county. Minimum of 12 hours per month; maximum of 120 hours per month when combined with education and training.	MPP 63-407.841 (b)(1)(A), MPP 63-407.853
Workfare, OJT, Work Experience (FSET activity)	Satisfies the ABAWD work requirement. Hours are determined by dividing the household's FS allotment by the higher of the state or federal minimum wage.	Hours are determined by dividing the household's FS allotment by the higher of the state or federal minimum wage.	MPP 63-407.841 (b), MPP 63-407.855, MPP 63-410.212
Self-Initiated Workfare (FSET activity)	Satisfies the ABAWD work requirement. Hours are determined by dividing the household's FS allotment by the higher of the state or federal minimum wage.	Hours are determined by dividing the household's FS allotment by the higher of the state or federal minimum wage.	ACL 98-07, Encl. 1; ACIN I-76-00, question 11; FNS Admin Notice 97-40
Vocational Training and Education (FSET activity)	FSET hours can range from 12 to 120 per month, as set by the county. Satisfies the ABAWD work requirement of 20 hours per week, averaged monthly; hours may be less when combined with other ABAWD activities except Workfare. May include hours in Job Search/Job Club (not a stand-alone activity) when they are less than half of the total hours for training or education.	FSET hours can range from 12 to 120 per month, as set by the county.	MPP 63-407.853; MPP 63-407.856; MPP 63-410.213(c); 7 CFR Section 273.24 (a)(3)(iii)
Job Search/Job Club (FSET activity)	Cannot be used to meet the ABAWD work requirement as a stand-alone component. Can be used to meet FSET participation requirements. See Non-ABAWDs box for description of FSET participation requirements.	Applicants can be assigned up to 8 consecutive weeks; recipients can be assigned up to 8 more weeks during 12 consecutive months. Minimum of 12 hours per month. Maximum of 120 hours per month when combined with employment and/or training activities.	MPP 63-407.853; MPP 63-407.856
Drug/Alcohol Rehabilitation (FSET activity) Cannot be a stand-alone activity, but is offered in combination with another FSET activity.	Hours must comprise less than 25% of the combined FSET activities. When offered as part of a vocational training or education activity, hours of participation in a drug/alcohol rehabilitation activity count toward completion of the ABAWD work requirement.	Hours must comprise less than 25% of the combined FSET activities.	ACL 00-41, Page 2
Employment (Non-FSET activity)	Hours of work count towards the ABAWD work requirement of 20 hours per week, averaged monthly; can be less when combined with other ABAWD activities, except Workfare. See Non-ABAWDs column for impact of work on FSET.	Though not an actual FSET component, hours of work count toward the number of hours required for FSET participation.	MPP 63-410.211; ACL 98-21, question 9

Workforce Investment Act Activities (Non-FSET activity)	Satisfies the ABAWD work requirement of 20 hours per week, averaged monthly. Hours can be less than 20 when combined with other ABAWD activities.	N/A	MPP 63-410.213 (a); ACL 98-21, question 9
Refugee Employment and Training (Non-FSET activity)	Satisfies the ABAWD work requirement of 20 hours per week, averaged monthly. Hours can be less when combined with other ABAWD activities.	N/A	MPP 63-410.213(c); ACL 98-21, question 9
Comparable Workfare, e.g., GA Workfare (Non-FSET activity)	Hours are set by the county. Satisfies the ABAWD work requirement.	N/A	MPP 63-410.212

Work Registration Exemptions:**State minimum wage is \$6.25 per hour effective January 1, 2001.**

- 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 6 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;
- Half-time school attendance.

ABAWD Exemptions:

- Under 18 or 50 years of age or older;
- Pregnancy;
- Residing in a food stamp household that contains a dependent child;
- Meets the work registration exemptions (see above);
- Exempt under the 15% ABAWD exemption criteria.

ABAWD Work Rule: For a NAFS recipient over age 17 and under age 50, eligibility for food stamps is limited to any three months in a 36-month period during which the individual does not satisfy the ABAWD work requirement. The ABAWD work requirement is met by working or participating at least 20 hours per week in an allowable work activity, or by participating in workfare for the number of hours equal to the household's food stamp allotment divided by the higher of the federal or state minimum wage. The three-month eligibility limitation does not apply to individuals who meet one of the ABAWD or Work Registration exemption criteria shown above (MPP Sections 63-407.21 and 63-410.3).

Clarification of Participation Requirements: FSET participants may be assigned to more than one component at the same time. The total hours of FSET participation, including hours of employment, cannot exceed 120 hours per month.

May 18, 2001

PARTICIPATION REQUIREMENTS IN FSET COUNTIES

Enclosure 1

Food Stamp Sanctions: A voluntary quit or noncompliance with Refugee Employment and Training, Comparable Workfare or FSET activities (other than Self-Initiated Workfare) shall result in a minimum one, three, or six-month FS sanction, unless the individual qualifies for a FS work registration exemption. ABAWD exemptions, other than work registration exemptions, will not end a FS sanction.

PARTICIPATION REQUIREMENTS IN NON-FSET COUNTIES

Activities	ABAWDs	NON-ABAWDs	Authority
Employment	Satisfies the ABAWD work requirement of 20 hours per week, averaged monthly. Hours can be less when combined with other ABAWD activities, except Comparable or Self-Initiated Workfare.	N/A	MPP 63-410.211; ACL 98-21, question 9
Workforce Investment Act Activities	Satisfies the ABAWD work requirement of 20 hours per week, averaged monthly. Hours can be less when combined with other ABAWD activities.	N/A	MPP 63-410.213 (a); ACL 98-21, question 9
Refugee Employment and Training	Satisfies the ABAWD work requirement of 20 hours per week, averaged monthly. Hours can be less when combined with other ABAWD activities.	N/A	MPP 63-410.213(c); ACL 98-21, question 9
Comparable Workfare, e.g., GA Workfare	Satisfies the ABAWD work requirement. Hours are set by the county.	N/A	MPP 63-410.212
Self-Initiated Workfare	Satisfies the ABAWD work requirement. Hours are determined by dividing the household's FS allotment by the higher of the state or federal minimum wage.	N/A	ACL 98-07, Encl. 1; ACIN I-76-00, questions 10 and 11; FNS Admin Notice 97-40

Work Registration Exemptions:

- 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 on at least a half-time basis;
- Physically or mentally unfit for employment;
- Complying with CalWORKs Welfare-To-Work requirements;
- Caring for a dependent child under age 6 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;
- Half-time school attendance.

ABAWD Exemptions:

- Under 18 or 50 years of age or older;
- Pregnancy;
- Residing in a food stamp household that contains a dependent child;
- Meets the work registration exemptions (see above);

- Exempt under the 15% ABAWD exemption criteria.

ABAWD Work Rule: For a NAFS recipient over age 17 and under age 50, eligibility for food stamps is limited to any three months in a 36-month period during which the individual does not satisfy the ABAWD work requirement. The ABAWD work requirement is met by working or participating at least 20 hours per week in an allowable work activity, or by participating in workfare for the number of hours equal to the household's food stamp allotment divided by the higher of the federal or state minimum wage. The three-month eligibility limitation does not apply to individuals who meet one of the ABAWD or Work Registration exemption criteria show above (MPP Sections 63-407.21 and 63-410.3).

Food Stamp Sanctions: A voluntary quit or noncompliance with Refugee Employment and Training or Comparable Workfare shall result in a minimum one, three, or six-month FS sanction, unless the individual qualifies for a FS work registration exemption. ABAWD exemptions, other than work registration exemptions, will not end a FS sanction.

State minimum wage is \$6.25 per hour effective January 1, 2001.