

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814



October 4, 2001

ALL COUNTY INFORMATION NOTICE NO. I-83-01

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

TO: ALL COUNTY WELFARE DIRECTORS
ALL COUNTY WELFARE-TO-WORK COORDINATORS
ALL COUNTY FOOD STAMP COORDINATORS

SUBJECT: FINAL SIMPLIFIED FOOD STAMPS PROGRAM (SFSP)
REGULATIONS

REFERENCE: ALL COUNTY LETTER (ACL) NO. 01-54

The purpose of this letter is to transmit final regulations that amend the California Work Opportunity and Responsibility to Kids (CalWORKs) Welfare-to-Work and Food Stamps programs and implement a SFSP in California. The emergency regulations, which became effective April 1, 2001, were transmitted to counties by the Department's Regulations Development Bureau on April 11, 2001. Minor changes were made to the emergency regulations after the public testimony phase and these proposed post-hearing regulations were provided to counties via ACL 01-54. On September 10, 2001, the Office of Administrative Law (OAL) approved the post-hearing SFSP regulations. The only difference between the final regulations provided with this letter and the post-hearing version is that the "Proposed" watermark has been removed.

If you have any questions regarding the SFSP regulations, please contact Audrey King by telephone at (916) 654-0946, or by email at audrey.king@dss.ca.gov.

Sincerely,

Original Document Signed By
Charr Lee Metsker on 10/04/01

CHARR LEE METSKER, Chief
Employment and Eligibility Branch

Attachments

Amend Sections 42-710.1, .2, and .3 to read:

Post-hearing: Amend Sections 42-710.1, .2, and .3 to read:

42-710 18- AND 24-MONTH TIME LIMITS

42-710

- .1 Except as otherwise provided in these regulations, a parent or caretaker relative, whose beginning date of aid is in the month that the CalWORKs Welfare-to-Work Program is implemented in the county, or thereafter, is not eligible to receive aid for a cumulative period of more than 18 months, unless: 1) it is certified by the CWD that there is no job currently available for the recipient as specified in Section 42-710.5; and 2) the recipient works in unsubsidized employment and/or participates in community service activities, including grant-based OJT and activities required under Sections 42-711.93, .94, and .956, for the required minimum hours in accordance with Section 42-711.4. (Continued)
- .2 Except as otherwise provided in these regulations, a parent or caretaker relative, who was receiving aid in the month prior to implementation of the Welfare-to-Work Program in the county, is not eligible to receive aid for a cumulative period of more than 24 months, unless: 1) it is certified by the CWD that there is no job currently available for the recipient as specified in Section 42-710.5; and 2) the recipient works in unsubsidized employment and/or participates in community service activities, including grant-based OJT and activities required under Sections 42-711.93, .94, and .956, for the required minimum hours in accordance with Section 42-711.4. (Continued)
- .3 A parent or caretaker relative recipient who has reached the 18- or 24-month time limit, who is working in unsubsidized employment for less than the required minimum hours, and for whom no job is currently available for the required number of hours, shall remain eligible for aid by participating in community service activities, including grant-based OJT and activities required under Sections 42-711.93, .94, and .956, for the additional ~~hours~~ number of hours necessary to meet the participation requirements in accordance with Section 42-711.4. (Continued)

Authority Cited: Sections 10533, 10554, and 10604, Welfare and Institutions Code.

Reference: Sections 10532(c)(2), 11320.1(c) and (d), 11320.3(a) and (b), 11322.6(f), 11322.9, 11325.23(c), 11327.5(c), 11454, 11454.5(a), and 11495.1, Welfare and Institutions Code.

Amend 42-711.9 to read:

Post-hearing: Renumber Sections 42-711.95, .96, and .97 to Sections 42-711.96, .97, and .98, respectively; Amend Sections 42-711.91 and 94 and adopt new Section 42-711.95 to read:

42-711 WELFARE-TO-WORK PARTICIPATION REQUIREMENTS (Continued) 42-711

.9 Community Service After Time Limits

.91 The participant shall remain eligible for aid only if he or she works in unsubsidized employment and/or participates in community service, including grant-based OJT and activities required under Section 42-711.93, .94, and ~~.95~~, to meet the required minimum hours in accordance with Section 42-711.4 if: (Continued)

.93 Participants whose assistance units include food stamp recipients shall participate in unpaid community service activities for the number of hours each month that is the lesser of the two following equations:

.931 The number of hours required by Section 42-711.4, less the number of hours spent in unsubsidized employment and grant-based OJT; or,

.932 The number of hours, 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 Section 42-701.2(g)(2) and Section 42-716.111(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.

.94 Participants whose assistance units do not include food stamp recipients shall participate in unpaid community service activities for the number of hours each month that is the lesser of the two following equations:

.941 The number of hours required by Section 42-711.4, less the number of hours spent in unsubsidized employment and grant-based OJT; or,

.942 The number of hours, determined collectively for the assistance unit, equal to the grant received by the CalWORKs assistance unit 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 Section 42-701.2(g)(2) and Section 42-716.111(f), only that portion, if any, received as a grant shall be used in this calculation.

- .95 The monthly amount in Sections 42-711.93 and .94 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).
- .956 Participants whose hours of participation in unpaid community service activities are determined pursuant to Section 42-711.932 or .942 and do not meet the participation requirement specified in Section 42-711.4 shall participate in other welfare-to-work activities for the additional number of hours necessary to satisfy the participation requirement.
- .967 Any individual required to participate in a community service activity who fails to comply with program requirements without good cause shall be sanctioned in accordance with Section 42-721.4.
- .978 See Section 42-710.31 for circumstances under which the CWD may require the individual to participate in welfare-to-work activities other than community service.

Authority Cited: Sections 10533, 10554, and 10604, Welfare and Institutions Code.

Reference: Sections 11253.5(b), 11320.1, 11320.15, 11320.3, 11322.6, 11322.8, 11322.9, 11324.8(a) and (b), 11325.2, 11325.21, 11325.22, 11325.23(a), (b), (c), (e), and (f), 11325.25, 11325.4, 11325.5, 11325.6, 11325.7, 11325.8, 11326, 11327.4, and 11454(a), Welfare and Institutions Code; 42 U.S.C. 607(c)(1)(A), (c)(1)(B)(ii), and (c)(2)(A)(i); 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; and 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 42-716.111(d) to read:

Post-hearing: Renumber Section 42-716.111(j)(2) to (j)(3) and Adopt Sections 42-716.111(d)(3) and (j)(2) to read:

42-716 WELFARE-TO-WORK ACTIVITIES (Continued) 42-716

.111 Welfare-to-work activities may include, but are not limited to, any of the following: (Continued)

(d) Work experience, as defined in Section 42-701.2(w)(1). (Continued)

(2) Hours of participation in work experience shall be limited as follows:

(A) Participants in work experience activities whose assistance units include food stamp recipients shall 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.

(B) Participants in work experience activities whose assistance units do not include food stamp recipients shall 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.

(3) The monthly limit in Sections 42-716.111(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). (Continued)

(j) Community service, as defined in Section 42-701.2(c)(3). (Continued)

(1) Hours of participation in unpaid community service prior to the time limit specified in Section 42-710 shall be limited as follows:

- (A) Participants in unpaid community service activities whose assistance units include food stamp recipients shall 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.
 - (B) Participants in unpaid community service activities whose assistance units do not include food stamp recipients shall 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.
- (2) The monthly limit in Sections 42-716.111(j)(1)(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).
- (23) Hours of participation in unpaid community service after the time limit specified in Section 42-710 shall be determined in accordance with Section 42-711.93 or .94.
(Continued)

Authority Cited: Sections 10533, 10554, and 10604, Welfare and Institutions Code.

Reference: Sections 11253.5(b), 11320.3(b)(2), 11322.6, 11322.61, 11322.7, 11322.9(a), (b), (c), (e), and (f), 11324.4, 11325.22(b)(1), 11325.7(a), (c), and (d), and 11325.8(a), (c), (d), and (f), Welfare and Institutions Code; 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; and Simplified Food Stamp Program approval letters from FNS to implement the provisions of an SFSP, dated May 5, 2000 and August 3, 2000.

Amend Sections 63-407.21, and .54; repeal Section 63-407.542; and adopt Sections 63-407.24 and .542 to read:

Post-hearing: Amend Sections 63-407.241(a) and .542 to read:

63-407 WORK REGISTRATION REQUIREMENTS (Continued) 63-407

.2 Work Registration Exemptions and Registration in Substitute Programs

.21 Except as specified in Section 63-407.24, the following persons are exempt from the food stamp work registration requirement: (Continued)

.24 CalWORKs Unpaid Community Service and Work Experience

Participants in unpaid community service and work experience activities under CalWORKs shall be considered to be participating in the Food Stamp Workfare Program, subject to the following:

.241 Such persons shall be subject to all CalWORKs Welfare-to-Work (WTW) Program statutes and regulations, including WTW exemptions, except that, consistent with Section 2029(a)(1) of Title 7 of the United States Code, the hours of participation shall be limited as follows:

- (a) The hours of participation in unpaid community service and work experience shall be limited to the number of hours each month, determined collectively for the CalWORKs 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. This monthly limit 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).

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- (b) The WTW Program regulations are located in MPP Chapter 42-700. See Section 42-711.9 and Section 42-716.111(j) for further instructions on hours of participation for community service. See Section 42-716.111(d) for further instructions on hours of participation for work experience.

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.242 Persons identified in Section 63-407.24 who are sanctioned for failing to comply with their CalWORKs WTW assignment shall be subject to the food stamp sanction requirements at Section 63-407.54. (Continued)

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

.54 When an individual is sanctioned for failing to comply with the work requirements of a program as specified in Section 63-407.21(c) (Welfare-to-Work), Section 63-407.21(e) (Unemployment Compensation), Section 63-407.23 (Substitute Programs), or Section 63-407.24 (CalWORKs Unpaid Community Service and Work Experience), the individual shall also receive a Food Stamp sanction in accordance with Section 63-407.5.

.541 (Continued)

.542 When a person is sanctioned under one of the programs identified in Section 63-407.54, except for a substitute program sanction under Section 63-407.23, the following food stamp work registration exemption requirements shall apply:

- (a) A food stamp sanction shall not be imposed if the individual qualifies for one of the food stamp work registration exemptions at Section 63-407.21. Since no food stamp sanction is imposed, an instance of noncompliance is not counted for purposes of determining the length of future food stamp sanctions.

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Example:

In March, Sue receives a WTW sanction for failing to participate in a community service assignment. In reviewing her case record, the CWD learns that Sue is responsible for the care of a four-year old child and is exempt from food stamp work registration per MPP Section 63-407.21(d). Therefore, a food stamp sanction would not be imposed and Sue would remain eligible for food stamps while under the WTW sanction.

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- (b) When an individual does not qualify for one of the food stamp work registration exemptions at Section 63-407.21 and a food stamp sanction is imposed, the food stamp sanction shall end when the sanctioned individual subsequently qualifies for a work registration exemption.

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Example:

Sally is part of a five-person food stamp household and at the end of February, she receives a CalWORKs/food stamp sanction for failing to participate in a WTW assignment. In May, Sally begins regular participation in a drug rehabilitation program and qualifies for the food stamp work exemption at Section 63-407.21(f). At that time, the food stamp sanction would stop. For multiple person households, eligibility is reestablished for the previously sanctioned individual the first of the following month, if the individual is otherwise eligible (Section 63-504.353). Therefore, Sally would be eligible for food stamps effective June 1.

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.543 (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; 7 CFR 273.22(f)(3); 7 U.S.C. 2014(e); 7 U.S.C. 2015(d) and (o); 7 U.S.C. 2029(a)(1); 7 U.S.C. 2029(e); 7 U.S.C. 2035; U.S.D.A. Food and Nutrition Service Administrative Notices 94-39, 97-22, 97-65, 98-33, 98-42, 98-57 and 99-05; 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; and Simplified Food Stamp Program approval letters from FNS to implement the provisions of an SFSP, dated May 5, 2000 and August 3, 2000.