

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814



February 22, 2006

ALL-COUNTY INFORMATION NOTICE NO. I-11-06

TO: ALL COUNTY WELFARE DIRECTORS
 ALL COUNTY FOOD STAMP COORDINATORS
 FOOD STAMP EMPLOYMENT AND TRAINING
 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: ABLE-BODIED ADULT WITHOUT DEPENDENTS WAIVER FOR 2006-2007

REFERENCE: ALL COUNTY INFORMATION NOTICE I-73-05 AND CODE OF FEDERAL REGULATIONS SECTION 273.24

The purpose of this letter is to inform counties of their eligibility for an Able-Bodied Adult Without Dependents (ABAWD) waiver effective May 1, 2006. The waiver will last for one year beginning May 1, 2006, and ending April 30, 2007. The ABAWD work requirement will be waived for all eligible counties unless a county declines to participate. This letter contains ABAWD policy instructions for eligible counties who choose to implement the ABAWD waiver and for those who do not wish to waive the work requirement.

County Waiver Eligibility

Federal law and regulations provide that counties that meet specific criteria may be approved by the Food and Nutrition Service (FNS) to waive the ABAWD work requirement. Welfare and Institutions Code (W&IC) Section 19826 as added by Senate Bill (SB) 68 requires California Department of Social Services (CDSS) to annually seek a waiver of the ABAWD work requirement for all eligible counties. CDSS will submit this request to FNS in late March.

A county can be approved for an ABAWD waiver if it has an unemployment rate above 10 percent for a recent 12-month period or if it does not have a sufficient number of jobs to provide employment for its ABAWD population. For purposes of an ABAWD waiver, an insufficient number of jobs exist if a county is designated as a Labor Surplus Area by the United States Department of Labor. An insufficient number of jobs also exist if the county has an unemployment rate that was 20 percent above the national average for the 24-month period of January 1, 2003, through December 31, 2004.

Thirty-nine counties qualify for the waiver. The thirty-nine counties are:

Alameda, Alpine, Butte, Calaveras, Colusa, Del Norte, Fresno, Glenn, Humboldt, Imperial, Kern, Kings, Lake, Lassen, Madera, Mariposa, Mendocino, Merced, Modoc, Monterey, Nevada, Plumas, San Benito, San Francisco County/city, San Joaquin, San Luis Obispo, Santa Clara, Santa Cruz, Shasta, Sierra, Siskiyou, Stanislaus, Sutter, Tehama, Trinity, Tulare, Tuolumne, Yolo and Yuba.

Waiver Implementation Policies

These policies apply to counties implementing an ABAWD waiver for the first time effective May 1, 2006 and to existing waiver counties who are again eligible for a waiver.

The county must continue to track and report the status of any ABAWD residing in the county. The status of ABAWDs must be entered as "exempt" on the Medi-Cal Eligibility Data System until April 30, 2007, or until the end of the ABAWD's 36-month period, whichever is earlier.

The county must not establish a 36-month calendar for a new ABAWD applicant during the waiver period or restart the 36-month calendar for any ABAWD whose 36-month period ends while the waiver is in effect.

The county must continue to apply Food Stamp Employment and Training (FSET) program sanction requirements at Manual of Policies and Procedures (MPP) Section 63-407 and voluntary quit sanction requirements at MPP Section 63-408. This is because the ABAWD waiver has no effect on FSET participation requirements or program sanction rules. Persons under food stamp sanction shall not be approved until the sanction has been completed or they qualify for one of the work registration exemptions at MPP Section 63-407.21.

Individuals, who were previously discontinued for failure to meet the ABAWD work requirement, and subsequently reapply for non-Assistance food stamps 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. FSET and voluntary quit sanctions do not stop when an individual moves to a county with a waiver.

As appropriate, all counties, including waiver counties, must continue to report work registrants, ABAWDs, and FSET data on the STAT 47 and 48 reporting forms. For purposes of completing the STAT report forms and FSET plan handbook, persons who do not meet one of the ABAWD exemptions at MPP Sections 63-410.31 or .32 are considered ABAWDs even while residing in a county with a waiver. They must be counted when determining the size of the county's ABAWD population.

The county must inform the ABAWDs residing in the county that they are not subject to the ABAWD work requirement for those months they reside in the county while the waiver is in effect.

If a county learns that effective May 1, 2007, it will not qualify for another waiver, the county must send informing notices to ABAWDs residing in the county one month prior to the waiver expiration date. The notices will inform ABAWDs of the need to meet the work requirement starting May 1, 2006, unless they qualify for an ABAWD exemption.

Counties that do not choose to implement an ABAWD waiver can exempt a portion of their ABAWDs using the 15 percent exemptions per MPP Section 63-410.34. These exemptions allow counties to grant food stamps for additional months to ABAWDs who have used their three out of 36-months and whose circumstances make it difficult to satisfy the work requirement.

Counties have complete discretion in determining who among their ABAWD population shall be targeted to receive the 15 percent exemption as well as the number of months the exemption will be granted. Illiteracy, living in remote areas with high unemployment rates, an inability to speak, read, or write English, seasonal employment, social and emotional barriers, and temporary employment of less than 20 hours per week are examples of criteria that counties have established in determining those ABAWDs that will receive the 15 percent exemption.

Procedure for Declining Waiver

With the implementation of SB 68, a waiver will automatically begin May 1, 2006, for every eligible county unless the county sends a letter from its county Board of Supervisors to CDSS indicating that it does not wish to waive the ABAWD work requirement. If your county declines to participate in a waiver, a letter from your county Board must be faxed or mailed to us no later than March 15, 2006. Send the letter to Alicia Thomason of the Food Stamp Branch using the contact information shown below.

In addition, an e-mail must be sent to Alicia Thomason by February 27, 2006, indicating that you do not want a waiver. Alicia's contact information is as follows:

Ms. Alicia Thomason, Food Stamp Analyst
California Department of Social Services
Food Stamp Branch
744 P Street, M.S. 16-32
Sacramento, CA 95814
E-mail: Alicia.Thomason@dss.ca.gov
Fax: (916) 654-1295

If you have any questions concerning this letter, please contact Alicia Thomason by telephone at (916) 657-2630 or Robert Nevins at (916) 654-1408.

Sincerely,

RIGHTON YEE, Chief
Food Stamp Branch