

**DEPARTMENT OF SOCIAL SERVICES**

744 P Street, Sacramento, California 95814



August 11, 2000

ALL COUNTY LETTER NO. 00-54

To: ALL COUNTY WELFARE DIRECTORS  
 ALL COUNTY WELFARE TO WORK  
 COORDINATORS  
 ALL COUNTY CHILD CARE  
 COORDINATORS  
 ALL ALTERNATIVE PAYMENT PROGRAMS

REASON FOR THIS TRANSMITTAL

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

SUBJECT: CALIFORNIA WORK OPPORTUNITY AND RESPONSIBILITY TO KIDS  
 (CalWORKs) WELFARE-TO-WORK TRANSPORTATION SERVICES

REFERENCES: ACL No. 00-08, ACL No. 00-12, ACIN I-70-99

It has come to the Department's attention that some counties may be denying or limiting transportation services for California Work Opportunity and Responsibility to Kids (CalWORKs) participants. In addition, counties have requested clarification on a number of issues regarding transportation services to CalWORKs participants and their children. This letter provides clarification on:

- Transportation as a necessary supportive service;
- Providing transportation for employed CalWORKs participants;
- Transportation on more than one form of public transportation;
- Providing transportation for a participant's child;
- Development of county transportation policies; and
- Other requirements for county welfare departments (CWDs) and child care providers providing transportation services to CalWORKs participants and/or their children.

**TRANSPORTATION AS A NECESSARY SUPPORTIVE SERVICE**

State statute and regulations require CWDs to provide CalWORKs participants with supportive services, including transportation, that are determined necessary for a participant to obtain or retain employment or to participate in other assigned welfare-to-work activities. The Manual of Policies and Procedures (MPP) Section 42-750.11 states:

Necessary supportive services shall be available to every participant in order to participate in the program activity to which he or she is assigned or to accept or retain employment. If necessary supportive services are not available, the individual shall have good cause for not participating under Section 42-713.21.

In addition, MPP Sections 42-711.631 and 632 require a participant's welfare-to-work plan to include a description of the supportive services needed for the individual to participate in the

assigned welfare-to-work activities. The following provide clarification on specific situations or issues where these regulations apply:

- **Capping supportive services**, including transportation services, is prohibited under state statute. “Capping” refers to establishing a limit on the amount the county will pay a participant, even though the services are necessary for the individual to participate in welfare-to-work activities, and the cost of the services do not exceed the regional market rate. This prohibition does not limit a county’s ability to establish other procedures to ensure that supportive service payments are valid. For example, a county could require that payments over a certain amount be subject to an additional review process prior to payment.
- **Limiting or denying transportation services to employed participants** does not comply with MPP Section 42-750 or Section 42-711.552. MPP Section 42-711.552 allows CalWORKs participants who are employed in unsubsidized employment for a sufficient number of hours to meet the minimum hours of participation required to opt out of the assessment process, if they do not wish to participate in any additional welfare-to-work activities. MPP Section 42-711.552 (b) also requires counties to inform individuals who opt out of the assessment due to employment that they will only receive necessary supportive services, which includes transportation. Therefore, although some employed participants are not required to sign a welfare-to-work plan; the CWD must still provide them with necessary supportive services.
- **Requiring CalWORKs participants to use their income, income disregard, or cash assistance payment to pay for supportive services**, such as transportation, violates state statute and regulations. The Welfare and Institutions Code Section 11323.4 (a) and MPP Section 42-750.21 specify that necessary supportive services are to be advanced to a participant whenever necessary and desired so that the participant need not use his or her funds to pay for these services. Therefore, a county cannot determine whether or not a supportive service is necessary for an individual to participate in CalWORKs based on their income or the fact that they are receiving a paycheck from unsubsidized employment. Income disregards are not to be used as a source of funding for supportive services, which counties are obligated to provide.
- **CalWORKs participants receiving financial aid for educational purposes cannot be required to use these funds for supportive services**, including transportation. MPP Section 42-750.33 states that a CWD cannot deny or reduce supportive service payments if a participant indicates that financial aid is not available to meet these needs.
- **Transportation utilizing multiple public transportation carriers** may be necessary for a participant to participate in their assigned welfare-to-work activity(ies). For example, an individual may need to take a bus operated by one agency to a rail station where they can catch a train operated by another agency. If it is determined that the transportation is necessary in order for an individual to participate in their assigned welfare-to-work activity, the CWD is required to pay for the transportation costs of both forms of transportation, even if they operate on different payment systems. Many counties provide bus passes to participants. If the pass provided will only cover part of the cost of the necessary trip, then

the CWD must also provide another pass or form of payment or reimbursement for the rest of the trip to or from the assigned activity(ies).

- **If there are multiple transportation carriers with the same destination**, a CWD must take into consideration the length of time each carrier will take to reach the destination, before determining that they will only provide supportive service payments for a single or specific transportation mode or service. MPP Section 42-721.313 (a) provides good cause for a participant's failure or refusal to comply with program requirements if the assigned welfare-to-work activity is remote from the individual's home because the round-trip travel time, excluding the time necessary to transport family members to school or places providing care, exceeds two hours. Counties must pay for available public transportation that is within the two-hour round-trip limit, and not force a participant to choose between a longer commute and claiming good cause.
- **State regulations do not exclude payments for fixed rate public or private transportation.** MPP Section 42-750.112 specifies that transportation includes public transportation and the use of a personal car. The regulations cite specific methods of payment for these forms of transportation, reimbursement for mileage or bus fare, or the provision of a bus pass. Other forms of public and private transportation (i.e. carpools, vanpools, or private companies that transport children between school and child care), may be available to transport CalWORKs participants and/or their children to and from welfare-to-work activities. These types of transportation often have a fixed rate fee structure (i.e., \$40 per month to secure a seat in a vanpool or \$6 per week to help cover the cost of gas in a coworker's car).
- **Counties have discretion to provide for additional types of transportation not specifically mentioned in regulations** that will assist individuals to participate in their assigned welfare-to-work activities. In these instances counties should develop written policies and procedures that clearly define what types of transportation they will pay for. These policies should take into account issues such as:
  - Under what circumstances the county will approve this method of transportation;
  - Determining a reasonable rate or reimbursement amount for this type of transportation;
  - Procedures for verifying that the participant is actually using the transportation service for participation in approved or authorized welfare-to-work activities.

Several counties have requested changes to the transportation-related Notice of Action forms (NOAs) to better reflect the ability to approve payment for forms of transportation such as carpools and vanpools. As a result of these requests, we are currently reviewing these NOAs and considering making statewide changes to address this issue.

- **For parents of school-age children, reliable transportation to take children between child care and school may be necessary** in order for parents to participate in their welfare-to-work activities. Some parents rely on multiple child care arrangements to meet their needs, such as transportation that takes children from one child care provider (such as a half-day Head Start program) to another (such as an exempt provider). If

transporting children is a necessary supportive service in order for the parent to participate in their welfare-to-work activity, counties must provide payment or reimbursement as a CalWORKs transportation service. Counties should develop policies that clearly define what types of transportation they will provide for participant's children. Some CWDs may provide transportation services to CalWORKs participants directly, through a contract, or in partnership with other agencies. In this situation, counties should develop policies that address any issues regarding access and requirements for using these services. When developing policies related to participants whose children may need transportation, counties should consider some of the following issues:

- The type of transportation services available, or most commonly used to transport children in your county, and the conditions under which they are available.
- The development of a reasonable rate for transporting children under a variety of circumstances.
- The appropriate adult supervision for children while they are being transported, depending on the child's age.
- The type of trips for children that the county will approve or authorize (i.e. if or when trips to and/or from extracurricular activities will be allowed).
- Liability issues, including proper insurance, licensing, and supervision.

## **TRANSPORTATION AND CHILD CARE PAYMENTS**

Some child care providers include transportation to and from school or other child care providers as part of their child care rate. In this situation, transportation is fully covered by the CalWORKs child care payment and subject to Regional Market Rates (RMR). If the cost exceeds the RMR, parents would pay the difference between the RMR and the actual child care cost.

When transportation services are provided as part of the child care service, all applicable child care licensing laws and regulations apply. This means that if the provider is a licensed provider, they cannot transport more children than they are licensed to care for, etc. Conversely if the provider is a license-exempt provider they must be Trustline registered, if required by MPP Section 47-610 through 47-630.

Some child care providers may provide transportation services to and from school, between two child care providers, and to other extracurricular activities as an additional service to their clients. This charge is often not part of the provider's charge for child care services. In these situations, since transportation is not included in the child care rate, the transportation costs are not paid through CalWORKs Stage One child care. Payment for this type of transportation could be provided as a supportive service if the CWD has determined that the child's transportation is necessary in order for the parent to participate in assigned welfare-to-work activities and that the transportation provided by the child care provider meets the county's policies regarding the transportation of a participant's child. In these instances the provider should not charge for child care during the time the child is being transported.

## **COUNTY TRANSPORTATION POLICIES**

State statute and regulations provide counties flexibility to design CalWORKs programs to meet the needs of their participants. MPP Section 11-501.3 requires that for those areas of the CalWORKs program in which counties have discretion to adopt specific standards that affect a client's eligibility, grant amount, and welfare-to-work activities, including supportive services, policies and procedures must be in writing and be made available to the public upon request.

In addition to being legally required, written policies and procedures will ensure that both county staff, applicants for and recipients of assistance, and other interested parties have knowledge of applicable program rules; promote uniform and equitable treatment of clients; assist in demonstrating that county actions are not arbitrary and capricious; and serve to support county actions in State hearings. Transportation is one area where the county has discretion in the design and provision of services and should develop written policies and procedures. To be effective, these policies and procedures must contain sufficient details so that the county's criteria can be clearly understood.

## **OTHER TRANSPORTATION-RELATED REQUIREMENTS, STATUTES, AND REGULATIONS**

There are a number of federal and state agencies that administer regulations and requirements regarding the operation of transit vehicles and school busses. Regulations may vary depending on the size of the vehicle, the type of service, and the type of passengers carried (i.e. adults, children, and people with disabilities). In addition, some transportation and child care agencies may be required to meet specific transportation-related requirements as a condition for receiving funding from either the Federal Transportation Agency or the Head Start Program. CWDs that are providing, or considering providing, transportation for CalWORKs participants and/or their children should be sure that they understand all applicable regulations that would apply to the service to be provided. In addition, understanding the applicable regulations may be helpful when developing county policies for specific types of transportation services. The following is a list of contacts for agencies and offices that may be able to provide information on applicable transportation regulations.

### *Federal Agencies*

Federal Transit Administration  
[www.fta.dot.gov](http://www.fta.dot.gov)

National Transportation Safety Board  
[www.nts.gov](http://www.nts.gov)

### *State Agencies*

Department of Motor Vehicles  
[www.dmv.ca.gov](http://www.dmv.ca.gov)

California Department of Transportation, Mass Transit Program  
[www.dot.ca.gov/hq/MassTrans](http://www.dot.ca.gov/hq/MassTrans)

California Highway Patrol  
[www.chp.ca.gov](http://www.chp.ca.gov)  
Enforcement Services Division, Commercial Vehicles Section  
(916) 445-1865

California Department of Education, Office of School Transportation  
[www.cde.ca.gov/sfsdiv/bus](http://www.cde.ca.gov/sfsdiv/bus)

Public Utilities Commission  
[www.cpuc.ca.gov](http://www.cpuc.ca.gov)

Should you have questions on CalWORKs child care issues, please call your analyst at the Child Care Programs Bureau at (916) 657-2144. If you have questions on transportation please contact your analyst in the Work Support Services Program at (916) 654-1424.

Sincerely,

*Original Signed by  
Bruce Wagstaff 8/11/00*

BRUCE WAGSTAFF

Deputy Director  
Welfare to Work Division