

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814



November 14, 2003

ALL COUNTY LETTER NO. 03-59

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

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 (WTW) GOOD CAUSE,
COMPLIANCE, AND SANCTION PROCEDURES

REFERENCE: ALL COUNTY INFORMATION NOTICE (ACIN) I-40-01, ALL COUNTY
LETTERS (ACL) 98-58, 00-08, 01-32, 02-20, 03-18

The purpose of this letter is to provide guidance and instructions to counties regarding the good cause determination, compliance, and sanction processes under the CalWORKs WTW program. Also included with this letter are new or modified forms that are needed to implement these processes.

Fiscal Year 2000/01 Budget Act language required the California Department of Social Services (CDSS) to report to the Legislature on the rates of good cause establishment and curing of sanctions in the CalWORKs WTW program. The legislative language also required the report to include recommendations for improving the current processes related to these two areas. To obtain information necessary to complete the report, the Department developed and distributed two surveys. The first survey was sent to the 19 largest counties, which serve approximately 90 percent of the CalWORKs caseload. The second survey was sent to the remaining 39 counties and six legal advocacy groups to obtain a broader perspective for recommended changes. Because survey responses from counties and advocacy groups differed greatly, CDSS convened the CalWORKs Sanction Workgroup, comprised of representatives from both groups, to develop recommendations for standardizing and improving the good cause, compliance, and sanction procedures.

Specifically, the goals of the CalWORKs Sanction Workgroup were to:

- Determine the most effective methods for establishing good cause, improve the compliance and sanction processes, and identify additional means to improve communication between recipients and county staff (for example, use of forms for recipients to notify the county of reasons for nonparticipation and for the county to notify recipients if they have good cause);

- Review sanction notices of action (NOAs) to determine if changes are necessary to improve communication between noncompliant recipients and the county. If changes are necessary, provide alternative language for CDSS' consideration in the development of revised sanction NOAs;
- Explore ways to improve the good cause, compliance, and sanction procedures in addition to those covered in the sanction surveys, including potential improvements that may require legislative changes; and
- Reiterate proper sanctioning procedures, via ACL, to facilitate the establishment of good cause, the successful completion of compliance plans, and the sanctioning of noncompliant recipients.

Upon meeting, workgroup members identified the following additional issues that needed to be addressed:

- Counties do not have clear policies to assist caseworkers in determining when recipients have good cause, or when they have met compliance requirements;
- Recipients need more effective ways to communicate to caseworkers that good cause exists; and
- More information on ending sanctions should be included in the NOAs.

This ACL includes recommendations related to the sanction process that were discussed by the CalWORKs Sanction Workgroup (see attachment). In the course of developing this letter, it became apparent that additional policy decisions, previously not discussed by the workgroup, were also needed to clarify the sanction process. These new policies have also been incorporated into this ACL after they were reviewed by workgroup representatives from the counties and advocate organizations.

To assure uniform treatment of all CalWORKs participants, the development of written county policies and procedures is required in accordance with Manual of Policies and Procedures (MPP) Section 11-501.3 (see ACL No. 00-08). Counties that already have written policies must review those policies and, as necessary, modify them to be consistent with this ACL. Written policies and procedures will ensure that county staff and applicants/recipients have knowledge of, and access to, applicable program rules, and counties will also have evidence of their policies and procedures to present at State hearings.

This letter also contains forms that the sanction workgroup developed or revised. As a reminder, counties may not change any "required" forms without prior CDSS approval. To request CDSS approval, email or fax examples of proposed forms to Audrey King, Program Analyst, whose contact information is located at the end of this letter. Other WTW sanction NOAs will be revised in the near future to conform to the format of the new NA 840 attached to this letter, and will be distributed to counties in a separate letter. Due to the complexity of the sanctioning process in two-parent family situations, CDSS will also clarify these procedures at a later date.

For camera-ready copies of forms in English, contact the Forms Management Unit at (916) 657-1907 or visit the CDSS website at www.dss.ca.gov. Translations of the new forms may be found at www.dss.cahwnet.gov/cdssweb/FormsandPu_274.htm as soon as they become available. If you have any questions about translated materials, please call Language Services at (916) 445-6778.

CalWORKs Forms Coordinators must distribute translated forms to each program location. In addition, counties must provide bilingual/interpretive services and written translations to non-English or limited-English proficient populations as required by the Dymally-Alatorre Bilingual Services Act (Government Code Section 7290 et seq.) and MPP Section 21-115.

CDSS would like to thank the CalWORKs Sanction Workgroup members for their participation in this effort to clarify CalWORKs WTW program requirements for both counties and program participants.

If you have questions, please call Audrey King, of the Employment Bureau, at (916) 654-0946 or email at audrey.king@dss.ca.gov.

Sincerely,

***Original Document Signed By
Bruce Wagstaff on 11/14/03***

BRUCE WAGSTAFF
Deputy Director
Welfare to Work Division

Attachments

c: CWDA
CSAC

**CALIFORNIA WORK OPPORTUNITY AND RESPONSIBILITY TO KIDS (CalWORKs)
WELFARE-TO-WORK (WTW)
SANCTION PROCESSES, POLICIES, AND FORMS**

BACKGROUND

Federal Temporary Assistance for Needy Families (TANF) statutes direct states to sanction nonexempt recipients who fail to participate in required work activities. However, federal law prohibits states from sanctioning a single parent with a child under age six for failing to meet work requirements, if child care is not available. Aside from this restriction, TANF gives states flexibility to determine their WTW sanction processes (including defining noncompliance, determining good cause, establishing the severity of sanctions, and developing procedures to apply and appeal sanctions).

In California, adult cash aid recipients, unless exempt, must participate in CalWORKs WTW activities and meet program requirements as a condition for receiving aid. A CalWORKs WTW sanction occurs when a nonexempt recipient is removed from the assistance unit (AU) for failing or refusing, without good cause, to comply with WTW participation requirements. Failing or refusing to comply with program requirements means failing or refusing to:

- Sign a WTW plan;
- Participate in any assigned WTW program activity, including a self-initiated program (SIP);
- Provide required proof of satisfactory progress in any assigned activity, including a SIP;
- Accept employment;
- Continue employment; or
- Continue employment at the same level of earnings.

GOOD CAUSE

According to Manual of Policies and Procedures (MPP) Sections 42-713.1, a county must excuse a recipient from participation in WTW activities for good cause when there is a condition or other circumstance that temporarily prevents, or significantly impairs, the recipient's ability to be regularly employed or to participate in WTW activities. Once the county determines that good cause exists for a recipient's failure to comply, and those circumstances continue to prevent the recipient from participating in a required activity, the county must take steps to remove any barriers preventing full WTW participation. When good cause is established, the county must review the continuing validity of the good cause determination, as necessary, but at least every three months. In addition, the recipient must cooperate with the county and provide information, including written documentation when required, to complete the good cause review. All good cause determinations must be made on a case-by-case basis. Counties should

also review good cause conditions that are anticipated to last more than 30 days to determine if a WTW exemption applies.

MPP Section 42-713.2 provides examples of good cause for not participating in WTW activities. These circumstances include, but are not limited to, the following:

- Lack of necessary supportive services;
- The applicant or recipient is a victim of domestic abuse;
- Licensed or license-exempt child care is not reasonably available during the individual's hours of training or employment, including commuting times, or arrangements have broken down; or
- Suitable special needs child care is not available for children with identified special needs including, but not limited to, disability or chronic illness.

Additionally, MPP Section 42-721.31 specifies that the county may not sanction recipients for failing or refusing to comply with program requirements when their employment, offer of employment, activity, or other training for employment:

- Discriminates on the basis of age, sex, race, religion, national origin, or physical or mental incapacity;
- Exceeds the daily or weekly hours of work customary to the occupation;
- Requires travel to and from the employment/activity that exceeds a total of two hours, exclusive of the time necessary to transport family members to a school or place providing care;
- Violates applicable health and safety standards;
- Does not provide workers' compensation insurance;
- Interrupts an approved education or job training program in progress (except work experience or community service), which would otherwise lead to employment with sufficient income to be self-supporting; or
- Violates the terms of the individual's union membership.

When counties become aware of a recipient not complying with WTW requirements, to determine if a recipient had good cause, the county must send a notice of action (NOA) effective no earlier than 30 calendar days from the date of issuance, in accordance with MPP Section 42-721.23. The NOA must inform the recipient that a sanction will be imposed if he or she fails to either attend an appointment scheduled by the county, or contact the county by telephone, within 20 calendar days of the notice and:

- Provide information to the county that leads to a finding of good cause for refusing or failing to comply with program requirements, or
- Agree to a compliance plan to correct the failure or refusal to comply.

MPP Section 42-721.232 specifies information that must be contained in the NOA, including the name, telephone number, and address of state and local legal aid and welfare rights organizations that can assist recipients with the good cause and compliance process.

Recipients have the right to reschedule the good cause meeting one time for their convenience; additional rescheduling must be permitted if the recipient cannot, or did not, attend with good cause. If the recipient fails to attend the appointment or fails to contact the county to establish good cause over the telephone, and/or fails to contact the county by the end of the 20-calendar day period to establish good cause, the county must attempt to contact the recipient by telephone at the time of, or after, the appointment to establish a finding of good cause or no good cause for failure to comply with WTW requirements (MPP Section 42-721.25).

If the county is able to contact the recipient, or use the information provided on the WTW 27 (see page 4 for information about this form), and determines good cause exists, no sanction shall be imposed and the recipient shall be referred back to the activity assigned prior to the time that the recipient did not participate. If the county is able to contact the recipient, but makes a determination of no good cause, the county shall develop a compliance plan (MPP 42-721.25) and follow compliance procedures found on pages 5-9. In situations when a recipient has claimed good cause, counties must also complete and issue an NA 840A "Determination of Good Cause/No Good Cause" (see page 5 for information about this form) after the county has made a determination of good cause or no good cause.

If the county is not able to make contact with the recipient by telephone and he or she fails to contact the worker within the 20-calendar day compliance period, or timely contact is made but no good cause is found and the recipient refuses to enter into a compliance plan, the county must impose a sanction (MPP Section 42-721.26). In these two circumstances, counties are only required to issue the NA 840A when contact is made within the 20-calendar day compliance period, but no good cause is found. As a reminder to counties, recipients have the right to appeal a finding of no good cause. If an appeal is made, the good cause/compliance/sanction process is suspended pending the hearing decision.

As mentioned earlier in this ACL, MPP Section 11-501.3 requires the development of written county policies and procedures to assure uniform treatment of all CalWORKs participants (see ACL No. 00-08). Counties should review and revise current procedures and/or forms to ensure that they are consistent with this letter. Written policies and procedures will ensure that county staff and applicants/recipients have knowledge of, and access to, applicable program rules. The county will also have evidence of its policies and procedures to present at State hearings. The county must make these policies available to applicants and recipients upon request.

NEW/REVISED GOOD CAUSE FORMS

WTW 26, Good Cause Determination Guidelines

The WTW 26 is a new recommended form to assist county staff in determining good cause. It was developed by workgroup members to help standardize the good cause determination process among counties and ensure the equitable treatment of

individuals. This form lists common good cause reasons for nonparticipation. The list is not exhaustive; counties may add other good cause reasons to this list. Whether using the WTW 26 or a county-developed form, the county material must reflect, at a minimum, the good cause reasons listed on the WTW 26. If a county using the WTW 26 allows for additional good cause reasons, it should modify it accordingly; however, the county must consider other good cause reasons even if it does not modify the form.

If the county chooses not to use the WTW 26, it must have written good cause criteria to assist county staff in determining good cause for nonparticipation, including a description of the range of possible good cause reasons, in accordance with ACL 00-08. Counties, therefore, should ensure their policies provide sufficient guidance regarding good cause criteria, such as those listed on the WTW 26 and WTW 27, to assist staff in making good cause determinations.

NA 840, Sanction of Mandatory Participant

The NA 840 is a pre-existing required notice of action that was revised to improve communication between nonparticipating recipients and county workers. Counties and advocates believed that the NA 840 was difficult to understand and confusing to recipients. Therefore, they suggested language to make the form more user-friendly. Despite these changes, the purpose and use of this form remains unchanged. This notice informs recipients of participation problems and what must be done to avoid a sanction. If the recipient does not follow through with the initial steps of the good cause determination process, such as calling or meeting with the county as specified in the NA 840, this document also serves as a sanction notice.

WTW 27, Request For Good Cause Determination

The WTW 27 is a new required form to help recipients understand situations that are considered good cause reasons for nonparticipation. This form was developed to address workgroup concerns that recipients need additional information to understand the good cause determination process and good cause criteria. The form is also used to initiate discussions between the recipient and worker to identify and resolve long-term problems or barriers to employment so that the recipient can optimize his or her participation in WTW. The WTW 27 must be mailed to the recipient along with the NA 840. However, the WTW 27 is not intended to take the place of a face-to-face meeting or phone interview to discuss nonparticipation.

It is not mandatory for recipients to complete or return the WTW 27. The recipient can discuss good cause with the worker without returning the form. He or she can complete the WTW 27 by checking the appropriate box(es), then bringing the form to the meeting to discuss the participation problem, mailing the form to the worker prior to the meeting, or discussing the form with the worker over the telephone. The WTW 27 also instructs the recipient to provide any additional information to help prove good cause. In cases when the recipient has contacted the worker, after receiving a completed WTW 27, the

worker may still need to inform the recipient that additional information is necessary to verify the good cause information.

If a recipient returns the WTW 27, but then fails to either attend a scheduled meeting, or discuss the problem on the telephone, and the worker's attempt to contact the recipient fails, the worker must make a good cause determination based on available information, including information contained on the WTW 27, that he or she believes is credible. In this situation, if the recipient has not provided sufficient information on the WTW 27 to determine good cause, the worker does not need to attempt to recontact the recipient to ask for additional information.

NA 840A, Determination of Good Cause/No Good Cause

The NA 840A is a new and required notice of action that was developed for counties to use to inform recipients who have claimed good cause within the 20-day good cause/compliance period of the county's determination. After a determination of good cause or no good cause has been made, the county must complete the NA 840A and issue the notice as soon as possible after the county's determination. If a determination of no good cause is made, the county must impose a sanction if the recipient does not successfully complete compliance requirements (see Compliance section below). Recipients who are determined to have good cause must be referred back to the pre-WTW plan assignment in which the recipient did not participate (assignment must be communicated in writing) or to the activity in their WTW 2, Welfare to Work Plan-Activity Assignment, or the WTW 3, Welfare to Work Plan Activity Assignment Change, unless the circumstances warrant a change in their assignments (e.g., lack of child care or transportation, a county determination that the activity was no longer appropriate, the worksite created a risk to the recipient's health, etc.). For post-assessment WTW participants who do require changes to their assignments or supportive services, the county must modify the WTW 2 or 3 to note these changes.

COMPLIANCE

Compliance is the step of the sanction process in which a recipient, whom the county determined did not have good cause, is given the opportunity to correct a noncompliance problem before a sanction is imposed. Counties must use the newly-developed compliance plan form (WTW 32) to inform the recipient of the steps he or she must take to comply with program requirements to avoid a sanction. To correct the problem and avoid a sanction, the recipient must meet with, or contact by telephone, his or her worker and agree to enter into a compliance plan within the 20-day compliance period cited in MPP Section 42-721.231, and then subsequently complete the plan as required.

If the recipient attends the meeting or calls his or her worker as requested, and the county requires additional information or time to review good cause information, or the county is unable to propose a specific compliance plan during the 20-day period, the

county shall not impose a sanction until it concludes that no good cause exists and the recipient fails to agree to enter into a compliance plan. If the recipient agrees to enter into a compliance plan and subsequently completes it, a sanction shall not be imposed and the event shall not count as an instance of noncompliance (see Example 1).

Example 1: A recipient contacts her worker within the 20-day period indicated in the NA 840 sanction notice and presents information regarding good cause that requires additional verification. The worker cannot impose a sanction pending the verification. The recipient turns in the verification within the time period indicated in writing by the worker, but by the time the worker receives and reviews it, it is beyond the 20-day period. The worker finds no good cause and advises the recipient that she must enter into a compliance plan to avoid a sanction. If she agrees to enter into a compliance plan, an NA 840A is mailed stating that no good cause was found but because the recipient agreed to a compliance plan, her aid will not be reduced.

In lieu of a face-to-face meeting, the county may develop the compliance plan with the recipient over the telephone and transmit the plan via mail. In this situation, the county must: develop the compliance plan; inform the recipient of his or her compliance requirements (assigned activity, provider location, starting and ending date of participation, etc.); and mail two copies of the plan to the recipient (one to sign and return, and one to keep for his or her records), along with a self-addressed stamped envelope. If the recipient fails to sign and return the compliance plan to the county, postmarked no later than the return date indicated on the compliance plan (the return date must be at least 10 calendar days from the date the county mails the compliance plan), or the recipient fails to participate as instructed by the county over the phone and/or as noted in the plan, the compliance process has failed and the recipient shall be sanctioned (MPP Section 42-721.21) as described in the section of this ACL regarding sanctions, beginning on page 9.

Because workgroup members believed there were inconsistencies among counties in how they determined when the compliance process was completed, CDSS worked with workgroup members to establish the following policy to clarify when compliance has occurred: A recipient is considered to have complied with program requirements by satisfactorily performing the activity he or she previously refused to perform, or another appropriate activity agreed upon by the county and recipient, as specified in the compliance plan, until completed or up to a maximum of 60 calendar days from the date the recipient begins the activity, whichever is less (see Examples 2 and 3).

Example 2: A recipient fails to show up and enroll in a three-month computer training class without good cause. After receiving the NA 840, the recipient contacts the county on March 1, which is within the 20-day compliance period, and agrees to sign a compliance plan. The previous computer class has closed and the county cannot locate another class, or other appropriate activity, that begins before April 15. For the purpose of compliance, the county will assign the recipient to the new computer class, or other appropriate activity, from April 15 through

June 13 (60 calendar days from the date the activity begins). When the recipient participates in the assignment through June 13, as required, the county shall not impose a sanction.

Example 3: A recipient is assigned to a six-month community service program scheduled for December through May. During the first month he missed seven days and was found to have violated the program's attendance requirements without good cause. After receiving the NA 840, the recipient contacts the county within the 20-day compliance period, and agrees to sign a compliance plan. The recipient signs the compliance plan on February 1 and the county reassigns him to the community service program to participate for 60 calendar days, from February 15 through April 17. After the recipient has successfully completed his assignment, he has met compliance requirements and the instance of noncompliance must not be counted.

The assignments in Example 2 and Example 3 can continue beyond June 13 and April 17, respectively. However, even though the recipients remain assigned to the same activity as in the compliance period, any subsequent participation problem occurring after compliance requirements have been met are subject to a new sanction process. The county also must modify the recipients' WTW 3 to communicate any changes in their WTW requirements (including participation timeframes for the remainder of the assignment) and supportive services needs, once the compliance plan is no longer in effect. Furthermore, once a recipient successfully meets compliance requirements in regard to a specific participation problem, that problem shall not be counted as an instance of noncompliance.

To meet compliance requirements, counties may not require the recipient to participate for a period of time that exceeds the length of the original activity that brought about the instance of noncompliance (see Example 4), although the recipient may be required to remain in the same activity as their continuing WTW activity, once the compliance period is complete.

Example 4: A recipient fails to show up at a one-day CalWORKs orientation and appraisal, without good cause. After receiving the NA 840, she contacts the county within the 20-day compliance period and signs a compliance plan on March 1. The recipient is assigned to attend the next orientation/appraisal on March 8. On March 8, the recipient completes orientation and appraisal, therefore meeting program requirements and completing the compliance process. By satisfactorily completing the compliance process, the recipient shall not be sanctioned and her failure to participate shall not be counted as an instance of noncompliance. As noted above, the county may not require the recipient to participate for a period of time that exceeds the length of the original activity that brought about the instance of nonparticipation. Therefore, the county may not require the recipient in this example to also attend another activity, such as job search, before determining that she has completed the compliance process.

At any time during the compliance process, if a recipient fails to participate, without good cause, he or she shall be sanctioned in accordance with MPP Section 42-721.29. In such a situation, no further compliance procedures are applicable; the county must issue an NA 817, which is used when sanctioning an individual who has agreed to sign a compliance plan, but then fails to meet the terms of the plan.

After recipients have completed their compliance plans, whether pre- or post-assessment, any new assignment must be provided in writing. This includes assignments that are the same as those in which the individual participated to fulfill compliance requirements. Counties cannot sanction individuals for assignments not provided in writing. For post-assessment recipients who remain in the same activity as during the compliance period, in accordance with MPP Section 42-711.6, the county must amend the recipients' WTW 2 or WTW 3, to communicate any changes in their WTW participation requirements after the compliance period has ended (for example, changes to the beginning and ending dates of the activity, the days and hours of participation, and the necessary supportive services to be provided) and to include any additional information or services that will assist recipients in successfully completing their assignments. Counties are reminded that for limited-English proficient individuals, appropriate translations or interpretive services must be provided in accordance with MPP Section 21-115 (also see ACL 01-32 for additional information).

NEW COMPLIANCE FORM

WTW 32, Welfare to Work Compliance Plan

The WTW 32 is a new required form (the compliance plan) that was developed by CDSS, and approved by the CalWORKs Sanction Workgroup, to help recipients understand what they must do to avoid a sanction, and to help counties understand what they must do to properly inform recipients about the compliance process. This compliance plan is intended to standardize compliance procedures among counties, notes activity participation requirements and the dates on which participation begins and ends, and notifies recipients of other rights and responsibilities pertaining to compliance. Recipients must sign the WTW 32 indicating that they agree to complete the activities outlined in the plan or a sanction is imposed in accordance with MPP Section 42-721.29. The WTW 32 is only used during the compliance process and does not replace the WTW 2 or WTW 3, as noted earlier.

Under the compliance process, recipients have the opportunity to suggest alternative activities if they do not agree with the county-initiated plan. Counties may incorporate some or all of the recipient's suggestions into the compliance plan, as appropriate. Also, counties are reminded that a recipient always has the right to file for a State hearing if disagreements between a county and recipient cannot be resolved. If the recipient requests a State hearing to dispute the compliance plan, the county may not take action on the sanction until the issuance of the hearing decision. If the hearing decision upholds the county's proposed compliance plan, the county must provide an opportunity for the recipient to agree to the plan, and only impose the sanction if the

recipient refuses. Pursuant to MPP Section 40-107.5, if the recipient desires a State hearing, the county shall assist him or her in the preparation of the State hearing request, and advise the recipient of the right to be represented by counsel or other authorized representatives.

SANCTIONS

MPP Section 42-721.41 specifies that a county must impose a financial sanction when a nonexempt WTW recipient fails or refuses to comply with program requirements, without good cause, and efforts to resolve the participation problem through the compliance process have failed. To avoid a sanction, the recipient must agree to enter into a compliance plan within the 20-day period and subsequently complete the plan as required. A sanction will result in a reduction to the family's grant by removing the noncomplying individual from the AU for a period of time that increases in the following manner:

- A first instance of noncompliance, without good cause, results in a financial sanction until the noncomplying individual performs the activity he or she previously refused to perform, or other appropriate activity;
- A second instance of noncompliance, without good cause, results in a financial sanction for three months, or until the noncomplying individual performs the activity he or she previously refused to perform, or other appropriate activity, whichever is longer; and
- A third, and any subsequent instance of noncompliance, without good cause, results in a financial sanction for six months or until the noncomplying individual performs the activity he or she refused to perform, or other appropriate activity, whichever is longer.

In accordance with MPP Section 42-721.28, an instance of noncompliance is applicable unless one of the following occurs:

- The county determines the individual had good cause; or
- The individual did not have good cause, but he or she agrees to a compliance plan and subsequently fulfills the terms of that plan.

Furthermore, an instance of noncompliance is not applicable if the county determines that the individual was exempt at the time he or she noncomplied with WTW program requirements (MPP Section 42-721.41).

An instance of noncompliance must be counted, however, if the individual corrects his or her participation problem after the 20-day period to present good cause or agree to a compliance plan has passed, but before the sanction begins. When an individual does not agree to sign a compliance plan within the compliance period, he or she must meet the requirements to cure a sanction (see the Stopping (Curing) Sanctions section in the

middle of this page), even if the participation problem can be corrected prior to the imposition of the sanction.

The discontinuance of aid is effective the first day of the first payment month that the sanctioned individual's needs are removed from the grant following timely and adequate notification (MPP Section 42-721.44). If an individual appeals his or her sanction through the State hearing process in a timely manner, the sanction may not be imposed until a hearing decision sustaining the county's action is issued. In these cases, the county must continue to pay cash aid (MPP Section 42-721.511(c)) and necessary child care as long as the individual is otherwise eligible (MPP Section 47-220.32) pending the hearing decision. If the county's action is sustained, aid is discontinued effective the end of the payment month in which the hearing decision is received (MPP Section 42-721.441). It should be noted that individuals who are discontinued from aid due to being sanctioned are considered to be former CalWORKs recipients. Under child care policies, former recipients who are eligible for, and need, child care to work or participate in other activities may receive subsidized child care for up to 24 months after they leave cash aid.

Should the hearing decision be in favor of the county, cash aid that was paid is not considered an overpayment (MPP Section 42-721.441(a)); the sanction is deferred and not imposed until after receipt of the hearing decision. Additionally, if the decision is in favor of the individual, the county must reimburse the individual for any necessary transportation and/or work- or training-related expenses that he or she paid out of pocket, or was obliged to pay, during the time the hearing decision was pending.

Counties are also reminded that they must send a separate notice of action regarding any termination of supportive services.

Stopping (Curing) Sanctions/Aid Restoration Pre-Quarterly Reporting Implementation

To stop (cure) a sanction, the individual must:

- Contact the county no sooner than 45 calendar days prior to the end of any applicable minimum sanction period and inform them of a desire to cure;
- Comply with county requirements to sign a Plan To Stop a WTW Sanction (WTW 29), referred to as the "curing plan," either at a scheduled meeting, or by mail, with the county; and
- Satisfactorily perform the activity specified in the curing plan until completed, or up to a maximum of 30 calendar days, whichever is shorter, from the date the curing plan is signed (see Example 5).

Example 5: An individual failed to participate in a three-month community service assignment. To cure, she would normally be scheduled to participate for 30 days of community service from the date she signed her curing plan, however, the county is not able to place the individual in the community service activity until ten

days after she signs her plan. She is, therefore, only required to participate for 20 calendar days to cure her sanction.

If an individual contacts the county to start the curing process after a first sanction is imposed, or after the minimum sanction period has ended for a second, third, or subsequent sanction, and the individual successfully completes the curing process above, his or her cash aid is restored back to the contact date (see Example 6). However, if an individual contacts the county to initiate the curing process within the 45-calendar day period prior to the end of any required minimum sanction period and successfully meets the curing requirements, cash aid is restored effective the first day of the month following the end of the minimum sanction period (see Examples 7 and 8).

As a reminder, when restoring aid to previously sanctioned individuals, a new Statement of Facts (CW 8 or SAWS 2) is only required when the county determines that additional eligibility factors need review or an eligibility redetermination is due (MPP Section 40-119.4). Counties must not, as a matter of procedure, automatically require a new Statement of Facts from individuals who are added back to the assistance unit after being sanctioned. Generally, unless a new Statement of Facts is needed as noted above, once WTW sanction curing requirements have been met, and the individual is otherwise eligible, he or she must be immediately added back to the assistance unit and have aid restored as described in this letter.

Example 6: An individual with a second sanction that ended on April 1 contacts the county on April 2 and indicates he wishes to cure the sanction. On April 5, the individual meets with the county and signs his curing plan, which specifies he must complete a two-week adult basic education course beginning April 11. After the individual has successfully completed the adult basic education course on April 24, the county must restore aid back to April 2.

Example 7: An individual with a second sanction contacts the county 25 days prior to the end date of her minimum three-month sanction, April 30, and indicates her wish to cure. The individual's curing plan says she must attend two weeks of job club beginning April 6, which she completes on April 20, 11 days before the minimum sanction period ends. Although she has now cured her sanction, the county cannot restore her aid until the first day of the month following the minimum sanction period, May 1.

Example 8: An individual with a third sanction contacts the county five days prior to the end date of the minimum sanction period, May 31, and wishes to cure her sanction. She is unable to complete the week-long activity in her curing plan, as assigned, until 14 days after the end of her minimum sanction period, June 14. After she successfully completes the activity, aid is restored back to June 1, the first day of the month following the minimum sanction period.

Once the individual contacts the county within the allowable 45-calendar day timeframe prior to any applicable minimum sanction period (see page 10), counties must schedule

an appointment to meet with the individual to discuss and sign the curing plan, within 10 calendar days of: 1) the date that the individual speaks with the county to inform it of his or her wish to cure the sanction or; 2) the receipt date of the completed “Request To Cure A Welfare To Work Sanction” (WTW 31) form, if the county chooses to use this form. In lieu of a face-to-face meeting, the county and individual may develop the curing plan via the telephone and transmit the plan via mail. In such cases, the county must: develop the curing plan; inform the individual of his or her curing requirements (assigned activity, provider location, starting and ending date of participation, etc.); and mail two copies of the plan (one to sign and return, and one for the individual to keep for his or her records), along with a self-addressed stamped envelope, to the individual within this 10-calendar day timeframe.

The date on which the county informed the individual about the specifics of his or her curing plan by telephone (the “informing date”) shall be considered the date that the individual signs the plan for purposes of beginning the maximum 30-calendar day curing period. The individual must sign and return the curing plan to the county, postmarked no later than the date indicated on the plan (ten calendar days from the informing date noted above) and participate as instructed by the county over the telephone and/or as noted in the plan, or the sanction continues until he or she recontacts the county to start and complete the curing process.

The other steps pertaining to the curing process, such as compliance with participation requirements, and the steps and timeframes to restore cash aid, are the same as if the curing plan was developed and signed in a face-to-face meeting (see Example 9).

Example 9: An individual contacts the county on July 15 and wishes to cure her sanction. The individual does not live close to the county office and wants to discuss the curing requirements over the telephone and have the plan mailed. The worker locates an appropriate activity for the individual on July 20 and contacts her on July 21, within the 10-calendar day timeframe, to communicate the details of the activity as well as mail the plan.

The individual receives the plan on July 23, and signs, dates, and returns the plan to the county on July 25, within the return period noted in the signature section of the curing plan. Her activity also begins July 25 and she would normally be required to participate in the activity 30 calendar days. Because she cannot be required to participate longer than 30 calendar days from the sign date of the plan (in this case, the informing date of July 21), she can only be required to participate until August 19 (a total of 26 days).

If an individual contacts the county to initiate curing and subsequently fails at any point to meet the curing requirements, without cause, the sanction must continue until he or she contacts the county again to restart and complete the process. In these cases, the date of recontact is the date on which the individual is considered starting the curing process (see Example 10).

Example 10: An individual contacts the county on April 1, after the applicable minimum sanction period is over, and indicates she wishes to cure her sanction. On April 5, the individual is scheduled to sign a curing plan but fails to show; her sanction therefore continues. On April 11, she again contacts the county to indicate she wishes to cure her sanction. She subsequently meets with her worker and signs her plan on April 17, assigning her to participate in community service beginning on April 20. She successfully completes her curing requirements on May 17 (30 days after signing her plan) and her sanction is lifted and aid is restored back to April 11, since she complied with all of the curing requirements after she recontacted the county on this date.

Due to the timeframes provided, counties should carefully document all contacts with individuals during the curing process. As a reminder, counties are also required to provide necessary supportive services, including advance payment of supportive services, pursuant to MPP Section 42-750.21, to individuals who are participating in activities to cure the sanction. If the county cannot provide these supportive services, the individual has good cause for not participating in the activities to cure the sanction and shall be considered as having cured the sanction at the time the county determines it cannot provide the supportive services. In this situation, if the individual initiates the curing process after any minimum sanction period has ended, cash aid is still restored back to the date in which the individual contacted the county and initiated the curing process. If the individual contacted the county to initiate the curing process prior to the end of any minimum sanction period, cash aid is restored on the first day of the month following the end of the minimum sanction period (see Example 11).

Example 11: The county wishes to assign an individual to a 30-day community service assignment to cure her sanction. The individual requires child care in order to participate. The county confirms that no child care is currently available and no openings are anticipated within 30 days from the sign date of the curing plan. Because the necessary child care is not available, the individual is considered to have cured her sanction and aid shall be restored, effective the date she notified her worker of her intent to cure, and after any minimum sanction period has ended.

If the activity that the sanctioned individual originally failed to perform is no longer available or appropriate, the county must specify in the curing plan another appropriate activity for the individual to perform. However, for purposes of curing, counties may not assign an activity for a longer period of time than the length of the original activity that brought about the sanction (see Example 12). Further, if the activity lasts longer than 30 calendar days, the individual is considered to have cured the sanction and met program requirements, after participating for up to 30 calendar days from the date that the curing plan is signed (see Example 5).

Example 12: A sanction was imposed on an individual who failed to attend a two-week long writing class. She contacts the county after being off of aid for eight months and indicates she wishes to cure her sanction. The writing class is no longer available but the county has found a month-long computer class that is

appropriate for this individual beginning 10 days after she signs her curing plan. The county may assign the individual to the computer class but, for purposes of curing, she is only required to attend the class for the first two weeks (the length of her original assignment).

If she completes the first two weeks of class as required, her aid will be restored effective the date she indicated her desire to cure, since any possible minimum sanction period has ended. If, however, she fails to attend the computer class during the two weeks, without good cause, her sanction will continue until she contacts the county again to start and complete the curing process. If she does cure, then fails to participate again, the good cause/compliance/sanction process begins again. In addition, the county must develop a WTW 2 or WTW 3 for the remaining two weeks of the assignment.

If the county determines that it is not able to provide the activity that the individual previously refused to perform, or another appropriate activity, within 30 calendar days of signing the curing plan, the individual is considered to have cured the sanction as of the date the county made that determination (see Example 13). In this situation, aid is restored in the same manner as when the county determined that no supportive services were available (see the first paragraph on page 13 and Example 11).

Example 13: An individual's curing plan specifies that she must attend an assessment interview in order to comply with program requirements and have aid restored. The county determines it cannot schedule an assessment until 35 calendar days after the signing of the plan. At the point the county makes that determination, the individual is considered to have cured her sanction. To comply with program requirements and to avoid a new instance of noncompliance, the individual must then participate in an assessment, as assigned in writing. Except for individuals who are in approved self-initiated programs, or who are working for sufficient hours to meet their work participation requirement prior to assessment, clients cannot be assigned to post-assessment activities until he or she goes through the CalWORKs assessment process.

Stopping (Curing) Sanctions/Aid Restoration Post-Quarterly Reporting Implementation

Once a county has implemented the quarterly reporting procedures in accordance with ACL 03-18, the process to cure a sanction remains the same. However, since quarterly reporting eliminates all partial month proration of benefits for recipients, the date on which aid is restored will change as follows:

In cases when an individual contacts the county to start the curing process after a first sanction is imposed, or after the minimum sanction period has ended for a second, third, or subsequent sanction, and the individual successfully completes the curing process as described on page 10, cash aid is restored the first day of the month following the date that the individual contacted the county to indicate his or her desire to cure (see Examples 14 and 15).

Example 14: An individual who was sanctioned for failing to attend orientation contacts the county on July 14 and indicates he wishes to cure his sanction. The individual signs his curing plan on July 17, attends orientation on July 23 as required by his plan, and cures his sanction. On August 1, his cash aid is restored.

Example 15: An individual contacts the county on July 14 and indicates she wishes to cure her sanction. The individual signs her curing plan on July 17, which specifies that she must participate in two weeks of job search/job club beginning on July 23. She successfully completes job search/job club on August 5, and cures her sanction. The individual's cash aid is restored back to August 1.

In cases when an individual contacts the county to initiate the curing process within the 45-calendar day timeframe prior to the end of any required minimum sanction period, once curing requirements are met, aid is restored effective the first day of the month following the end of the minimum sanction period (see Examples 16 and 17).

Example 16: An individual contacts the county 15 days prior to the end of his minimum sanction period which ends on July 31, signs his plan, and completes the activity in the plan before the end of the minimum sanction period. On August 1, his aid is restored.

Example 17: An individual contacts the county on July 14, 17 days prior to the end of her minimum sanction period, indicates her wish to cure her sanction, and signs a curing plan that same day. The plan specifies she must participate in 30 days of community service which she begins on July 15. On August 14, she successfully completes her community service assignment and cures her sanction. Her cash aid is subsequently restored back to August 1.

NEW SANCTION/CURING FORMS

WTW 29, Plan To Stop A Welfare To Work Sanction

The WTW 29 is a newly-developed required form created by CDSS, and approved by the CalWORKs Sanction Workgroup, to standardize the curing process and ensure the equitable treatment of individuals among counties. It serves to inform individuals of the activity they must perform to be able to receive aid again, the dates that the activity begins and ends, and the date that their aid will be restored once curing requirements have been met. It also notifies individuals of other rights and responsibilities pertaining to the plan. Individuals must sign the WTW 29 to indicate that they agree to complete the activities as described in the plan, otherwise the sanction will continue.

The Plan To Stop a Welfare To Work Sanction is only used to cure a sanction. It does not replace the WTW 2, Welfare to Work Plan-Activity Assignment, or the WTW 3, Welfare to Work Plan Activity Assignment Change, which must be modified to communicate any changes in the individual's WTW requirements and supportive services needed, once the plan is no longer in effect.

WTW 31, Request To Stop A Welfare To Work Sanction

The WTW 31 is a new recommended form developed by the workgroup to improve communication between the county and individuals. The form instructs individuals on the steps to take to cure their sanction, have aid restored, and begin participating in WTW activities again. Counties may send the WTW 31 to individuals at any time after they are issued a NOA imposing a WTW sanction, and/or have the form made publicly available (such as in the lobby of the county office). Individuals may also make a verbal request to stop a sanction. The worker should document any verbal requests made by individuals who wish to end their sanctions.

New/Revised WTW Forms

WTW 26, Good Cause Determination Guidelines

NA 840, Sanction of Mandatory Participant (with instructions)

WTW 27, Request For Good Cause Determination

NA 840A, Determination of Good Cause/No Good Cause (with instructions)

WTW 32, Welfare to Work Compliance Plan

WTW 29, Plan To Stop A Welfare to Work Sanction

WTW 31, Request To Stop A Welfare to Work Sanction

GOOD CAUSE DETERMINATION GUIDELINES

The good cause determination is an important part of the noncompliance process. It provides an opportunity for you and the recipient to present information relevant to the issue of nonparticipation and can often lead to resumed participation and the avoidance of a sanction.

During the interview: 1) Explain the good cause and compliance processes; 2) Ask why the recipient did not comply with program requirements; 3) Refer to the examples of good cause below and determine if the participation problem was due to one of these examples or any other good reason. If yes, and that reason is verified, good cause exists; 4) Determine if the recipient is repeatedly experiencing barriers to participation. If yes, the recipient has an ongoing problem and should be evaluated to determine if he or she should be exempt or a referral to mental health, substance abuse, domestic abuse, or learning disability services is necessary.

EXAMPLES OF GOOD CAUSE:

- Temporary illness (review for exemption if more than 30 days)
- Temporary illness of child or family member (review for exemption if more than 30 days)
- Breakdown of transportation arrangements
- Lack of child care
- Lack of appropriate special needs child care
- Breakdown in child care arrangement
- Lack of access to shelter, counseling, or other services
- Homelessness
- Death in the family
- Severe family crisis
- Physical access barriers for the disabled
- Earthquake or severe weather condition prevented travel/attendance
- Learning disabilities that are a factor in the failure to participate
- Legal difficulties
- Court appearances
- Temporary incarceration
- Remoteness from Welfare to Work activities
- Language barriers
- Discrimination based on age, sex, race, religion, national origin, sexual orientation, or physical or mental disability
- Employment or offer of employment exceeds the daily or weekly hours of work customary to the occupation
- Violation of health and safety standards
- No workers' compensation insurance
- Accepting employment or participating in a work activity would cause an interruption to an approved education activity or job training (except work experience or community service)
- Violation of union membership

Substance Abuse Indicators:

- Recurring health issues
- Failing an employer drug test
- History of family/child substance abuse
- Irregular sobriety

Mental Health Indicators:

- Chronic homelessness
- Irregular or sporadic work history
- Chronic family or relationship problems
- Anxiety
- Severe depression

Domestic Abuse Indicators:

- Current or past violence or harassment (sexual, physical, or emotional)
- Fear of abuse or abuser
- Sabotage from abuser when the victim attempts to become independent
- Abuser interferes with work or Welfare to Work activity
- Concern for children's safety
- Lack of appropriate services
- Physical/Mental health/Substance abuse issues
- Severe depression and/or anxiety
- Issues related to living in temporary housing or a sheltered environment
- Legal problems such as restraining orders, divorce, court appearances, etc.
- Victim of a stalker
- Homelessness
- Lack of support system (isolation)
- Stockholm Syndrome (bonding with the captor)
- Economic control (abuser hides or controls money, checkbooks, savings, etc.)

Other Good Reasons: On a case-by-case basis, as determined by the county, any other reason that temporarily prevents or significantly impairs a recipient's ability to work regularly or go to Welfare to Work activities.

NOTICE OF ACTION

COUNTY OF _____

STATE OF CALIFORNIA
HEALTH AND HUMAN SERVICES AGENCY
CALIFORNIA DEPARTMENT OF SOCIAL SERVICES

Notice Date : _____
Case Name : _____
Number : _____
Worker Name : _____
Number : _____
Telephone: _____
Address : _____

(ADDRESSEE)

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Questions? Ask your Worker.

State Hearing: If you think this action is wrong, you can ask for a hearing. The back of this notice tells how. Your benefits may not be changed if you ask for a hearing before this action takes place.

- _____, our records show that you did not:
- Sign the Welfare to Work plan on _____.
 - Participate in _____ on _____.
 - Make good progress in your _____ activity because _____.
 - Accept a job at _____.
 - Keep your job at _____.
 - Keep the same amount of earnings.

WE NEED TO TALK TO YOU

To keep your cash aid from being lowered, we must talk with you about this problem. An appointment has been made for you on _____, at _____ o'clock, at _____. If you need transportation or child care to go to this meeting, call your Welfare to Work worker at the telephone number listed below.

Welfare to Work Worker's Name: _____
Telephone Number: _____

If you cannot go to this meeting, you must call your worker to set a new time. Unless you have a good reason, you can change this meeting only once. You can also call your worker to talk about the problem instead of going to the meeting. You must call your worker to set a new time to meet, or to talk about your problem on the telephone, by _____.

When you talk to your worker, you will be asked if you had a good reason ("good cause") for not doing what we asked you to do. If we verify that you had a good reason, your cash aid will not be lowered because of this problem. Some examples of good reasons are not having child care or not having transportation. For other good reasons, see the "Request For Good Cause Determination" form sent with this notice.

Your cash aid will also not be lowered if you can show us that you should have been exempt at the time you did not do your Welfare to Work activity.

If you do not have a good reason for not doing what we asked you to do, you can agree to a compliance plan to meet Welfare to Work rules. Your cash aid will not be lowered if you agree to a compliance plan and then do what it says. If you agree to a compliance plan and then later do not do what it says, your cash aid will be lowered. If this happens, you will get a separate notice.

Rules: These rules apply: CalWORKs MPP § 42-712 (exemptions); 42-713 (good cause); 42-721 (noncompliance and good cause); Food Stamps MPP § 63.407.521. You may review these rules at your welfare office.

HOW TO STOP YOUR CASH AID FROM BEING CUT

As of _____, your family's cash aid will be lowered from \$ _____ to \$ _____, unless you show us you had a good reason for not doing what we asked you to do. If you do not have a good reason, you can agree to a compliance plan to stop your cash aid from being lowered. If you do not agree to a compliance plan, you will not get another notice before your cash aid is lowered.

See the next page for more information about how we figured how much your family will get if your cash aid is lowered.

We will not pay for transportation, or work- or training-related expenses if you are off cash aid. We may pay for child care, if you work or attend school.

HOW TO GET BACK ON CASH AID

If your cash aid is lowered, you can get back on cash aid if you are eligible for it by:

- Contacting the county and telling them you want your cash aid back; then doing what the county asks.
- Contacting the county no earlier than 45 days before _____, and telling them you want your cash aid back; then doing what the county asks. Even if you do this, your cash aid will not be restored earlier than _____.

TO CONTACT THE COUNTY ABOUT GETTING BACK ON CASH AID, CALL _____.

DO YOU NEED FREE LEGAL HELP? You can get free help with this problem from:

Local Legal Aid Office: () _____

State Welfare Rights Organization: () _____

Food Stamps: If the failure to meet Welfare to Work requirements also causes a food stamps penalty, you may not be able to get food stamps for at least 1, 3, or 6 months. If there is a food stamps penalty, you will get another notice telling you how long your food stamps will be stopped.

Medi-Cal: This Notice of Action does NOT change or stop Medi-Cal benefits. **Keep your plastic Benefits Identification Card(s).**

NOTICE OF ACTION

(Continued)

COUNTY OF _____

STATE OF CALIFORNIA
HEALTH AND HUMAN SERVICES AGENCY
CALIFORNIA DEPARTMENT OF SOCIAL SERVICES

If you do not have a good reason for not doing what we asked you to do, or you do not agree to a compliance plan, your cash aid will change as of _____, as follows:

Notice Date _____
Case Name _____
Number _____

Monthly Cash Aid Amount

Section A. Countable Income, Month of _____

Total Business Income \$ _____
 Business Expenses:
 a. 40% Standard - _____
 OR
 b. Actual - _____
 Net Earnings from Self-Employment = _____
 Total Disability-Based Unearned Income of
 Assistance Unit + Non-Assistance Unit Members . \$ _____
 \$225 Disregard - _____
 Nonexempt Unearned Disability-Based Income ... = _____
 OR
 Unused Amount of \$225 Disregard = _____
Total Earned Income \$ _____
 Net Earnings from Self-Employment (from above) . + _____
 Subtotal = _____
 Unused Amount of \$225 Disregard (from above) .. - _____
 Subtotal = _____
 Earned Income Disregard 50% - _____
 Subtotal = _____
 Nonexempt Unearned Disability-Based Income
 (from above) + _____
 Other Nonexempt Income (Assistance Unit +
 Non-Assistance Unit Members) + _____
Net Countable Income = _____

Section B. Your Cash Aid, Month of _____

1. Maximum Aid _____ Persons
 (Assistance Unit + Non-Assistance Unit Members) . \$ _____
 2. Special Needs (Assistance Unit only) + _____
 3. Net Countable Income from Section A - _____
 4. Subtotal = _____
 5. Maximum Aid _____ Persons (Assistance Unit only)
 (Excluding Sanctioned Persons) \$ _____
 6. Special Needs (Assistance Unit only) + _____
 7. Maximum Aid Subtotal = _____

 8. **Full Month Aid Subtotal**
 (Lowest Amount on Line 4 or 7) = _____
 9. Line 8 Prorated for Part of Month = _____

 10. Adjustments: 25% Child Support Sanction - _____

Overpayment - _____
Other Sanctions - _____
Bonus + _____

 11. **Monthly Cash Aid Amount**
 (Line 8 or 9 Adjusted) = _____

YOUR HEARING RIGHTS

You have the right to ask for a hearing if you disagree with any county action. You have only 90 days to ask for a hearing. The 90 days started the day after the county gave or mailed you this notice.

If you ask for a hearing before an action on Cash Aid, Medi-Cal, Food Stamps, or Child Care takes place:

- Your Cash Aid or Medi-Cal will stay the same while you wait for a hearing.
- Your Child Care Services may stay the same while you wait for a hearing.
- Your Food Stamps will stay the same until the hearing or the end of your certification period, whichever is earlier.

If the hearing decision says we are right, you will owe us for any extra Cash Aid, Food Stamps or Child Care Services you got.

To let us lower or stop your benefits before the hearing, check below:

Yes, lower or stop: Cash Aid Food Stamps Child Care

While You Wait for a Hearing Decision for:

Welfare to Work:

You do not have to take part in the activities.

You may receive child care payments for employment and for activities approved by the county before this notice.

If we told you your other supportive services payments will stop, you will not get any more payments, even if you go to your activity.

If we told you we will pay your other supportive services, they will be paid in the amount and in the way we told you in this notice.

- To get those supportive services, you must go to the activity the county told you to attend.
- If the amount of supportive services the county pays while you wait for a hearing decision is not enough to allow you to participate, you can stop going to the activity.

Cal-Learn:

- You cannot participate in the Cal-Learn Program if we told you we cannot serve you.
- We will only pay for Cal-Learn supportive services for an approved activity.

OTHER INFORMATION

Medi-Cal Managed Care Plan Members: The action on this notice may stop you from getting services from your managed care health plan. You may wish to contact your health plan membership services if you have questions.

Child and/or Medical Support: The local child support agency will help collect support at no cost even if you are not on cash aid. If they now collect support for you, they will keep doing so unless you tell them in writing to stop. They will send you current support money collected but will keep past due money collected that is owed to the county.

Family Planning: Your welfare office will give you information when you ask for it.

Hearing File: If you ask for a hearing, the State Hearing Division will set up a file. You have the right to see this file before your hearing and to get a copy of the county's written position on your case at least two days before the hearing. The state may give your hearing file to the Welfare Department and the U.S. Departments of Health and Human Services and Agriculture. **(W&I Code Sections 10850 and 10950.)**

TO ASK FOR A HEARING:

- Fill out this page.
- Make a copy of the front and back of this page for your records. If you ask, your worker will get you a copy of this page.
- Send or take this page to:

OR

- Call toll free: 1-800-952-5253 or for hearing or speech impaired who use TDD, 1-800-952-8349.

To Get Help: You can ask about your hearing rights or for a legal aid referral at the toll-free state phone numbers listed above. You may get free legal help at your local legal aid or welfare rights office.

If you do not want to go to the hearing alone, you can bring a friend or someone with you.

HEARING REQUEST

I want a hearing due to an action by the Welfare Department of _____ County about my:

Cash Aid Food Stamps Medi-Cal

Other (list) _____

Here's Why: _____

- If you need more space, check here and add a page.
- I need the state to provide me with an interpreter at no cost to me. (A relative or friend cannot interpret for you at the hearing.)

My language or dialect is: _____

NAME OF PERSON WHOSE BENEFITS WERE DENIED, CHANGED OR STOPPED

BIRTH DATE

PHONE NUMBER

STREET ADDRESS

CITY

STATE

ZIP CODE

SIGNATURE

DATE

NAME OF PERSON COMPLETING THIS FORM

PHONE NUMBER

- I want the person named below to represent me at this hearing. I give my permission for this person to see my records or go to the hearing for me. (This person can be a friend or relative but cannot interpret for you.)

NAME

PHONE NUMBER

STREET ADDRESS

CITY

STATE

ZIP CODE

State of California
Department of Social Services

Manual Message Number: 840
Action: Change
Title: Sanction of Mandatory
Participant

Auto ID No.:
Flow Chart No.:
Source: Welfare to Work
Regulation Cites: CalWORKs Manual of Policies and
Procedures Sections 42-712 (exemptions), 42-713 (good cause),
42-721 (noncompliance and good cause); Food Stamps 63-407.521.

Form No.:
Effective Date: 1/1/96
Revision Date: 10/03

MESSAGE:

_____, our records show that you did not:

- Sign the Welfare to Work plan on _____.
- Participate in _____ on _____.
- Make good progress in your _____ activity
because unlimited _____.
- Accept a job at _____.
- Keep your job at _____.
- Keep the same amount of earnings.

WE NEED TO TALK TO YOU

To keep your cash aid from being lowered, we must talk with you about this problem. An appointment has been made for you on _____, at _____ o'clock, at _____ . If you need transportation or child care to go to this meeting, call your Welfare to Work worker listed below.

Welfare to Work Worker's Name: _____
Telephone Number: _____

If you cannot go to this meeting, you must call your worker to set a new time. Unless you have a good reason, you can change this meeting only once. You can also call your worker to talk about the problem instead of going to the meeting. You must call your worker to set a new time to meet, or to talk about your problem on the telephone, by _____.

When you talk to your worker, you will be asked if you had a good reason ("good cause") for not doing what we asked you to do. If we verify that you had a good reason, your cash aid will not be lowered because of this problem. Some examples of good reasons are not having child care or not having transportation. For other good reasons, see the "Request For Good Cause Determination" form sent with this notice.

Your cash aid will also not be lowered if you can show us that you should have been exempt at the time you did not do your Welfare to Work activity.

If you do not have a good reason for not doing what we asked you to do, you can agree to a compliance plan to meet Welfare to Work rules. Your cash aid will not be lowered if you agree to a compliance plan and then do what it says. If you agree to a compliance plan and then later do not do what it says, your cash aid will be lowered. If this happens, you will get a separate notice.

HOW TO STOP YOUR CASH AID FROM BEING CUT

As of _____, your family's cash aid will be lowered from \$_____ to \$_____, unless you show us you had a good reason for not doing what we asked you to do. If you do not have a good reason, you can agree to a compliance plan to stop your cash aid from being lowered. If you do not agree to a compliance plan, you will not get another notice before your cash aid is lowered.

See the next page for information about how we figured how much your family will get if your cash aid is lowered.

We will not pay transportation, or work- or training-related expenses if you are off cash aid. We may pay for child care, if you work or attend school.

HOW TO GET BACK ON CASH AID

If your cash aid is lowered, you can get back on cash aid if you are eligible for it by:

- Contacting the county and telling them you want your cash aid back; then doing what the county asks.
- Contacting the county no earlier than 45 days before _____, and telling them you want your cash aid back; then doing what the county asks. Even if you do this, your cash aid will not be restored earlier than _____.

TO CONTACT THE COUNTY ABOUT GETTING BACK ON CASH AID, CALL

_____.

DO YOU NEED FREE LEGAL HELP? You can get free help with this problem from:

Local Legal Aid Office: ()

State Welfare Rights Organization: ()

Page One:

INSTRUCTIONS: This NOA is used to sanction a mandatory participant who fails or refuses to comply with program requirements. This NOA also serves to inform the individual that he or she has 20-calendar days, beginning the notice date of the NOA, to provide good cause information or agree to sign a compliance plan, or a sanction will be imposed no earlier than 30 days from the notice date.

If this NOA is sent to a member of a two-parent family, the WTW 4, Notice to Other Parent, must be sent to the other parent at the same time this NOA is sent.

At the beginning of the message portion of the NOA, enter the name of the individual for whom the sanction applies, check the box with the applicable participation problem, and fill in pertinent details.

Under "We Need To Talk To You," enter the date, time, and location of the appointment scheduled for the individual to provide good cause information or to agree to sign a compliance plan.

Enter the Welfare to Work worker's name and telephone number.

Enter the ending date of the 20-calendar-day period that the individual has to reschedule his or her appointment or talk to his or her worker on the telephone.

Under "How To Stop Your Cash Aid From Being Cut," enter the date the family's cash aid will be lowered and the old and new amounts of cash aid.

Under "How To Get Back On Cash Aid," check the first box if this is the individual's first sanction. Check the second box if this is the individual's second, third, or subsequent sanction. In the two blank spaces that follow, fill in the date that is the first day following the end of the minimum sanction period (three months for a second sanction; six months for a third, or subsequent sanction). The dates contained in these two spaces must be the same.

Enter a telephone number that the individual can call when he or she wants to end the sanction. This must be the individual's Welfare to Work worker's telephone number or a telephone number for another appropriate staff person who can help the individual end his or her sanction.

Under "Do You Need Free Legal Help," enter the names, addresses, and telephone numbers of a local legal aid office and state welfare rights organization.

Page Two:

At the top of this page, enter the date that the individual's cash aid will change.

Under "Monthly Cash Aid Amount," show the budget computation.

The NA 9 BACK, Your Hearing Rights, must be provided with this notice.

REQUEST FOR GOOD CAUSE DETERMINATION

CLIENT'S NAME	CASE #:	DATE:
WELFARE TO WORK WORKER'S NAME	WORKER #:	PHONE #: ()

Returning this form is optional. You can still claim that you had a good reason ("good cause") for not meeting Welfare to Work rules if you do not return this form. Even if you do return this form, you must still call your Welfare to Work worker before your appointment OR go to the appointment to talk about your Welfare to Work participation problem. If you do not go to your appointment or call, your cash aid may be lowered if you do not give us enough information on this form to show us you had a good reason for not participating. The date, time, and place of your appointment are on the Notice of Action (NA 840) that the county sent to tell you about your participation problem.

Instructions: If you had a good reason for not doing what you were supposed to do in Welfare to Work, fill out this form. Give us any information you may have (for example, a doctor's note) to show us that you had a good reason. You can also tell us about your good reason by giving us the details in the section below.

After you fill out the form:

- 1) Make a copy of the form for you to keep; **AND**
- 2) Mail or take the form back to your Welfare to Work worker before the date of your appointment to discuss your participation problem; OR bring the completed form to the appointment.

If you have any questions, call your Welfare to Work worker.

_____, our records show that you did not:

- Sign the Welfare to Work plan on _____.
- Participate in _____ on _____.
- Make good progress in your _____ activity because _____.
- Accept a job at _____.
- Keep your job at _____.
- Keep the same amount of earnings.

Your cash aid will not be lowered if you had a good reason for not doing what we asked. Examples of good reasons are listed to the right.

You may have to give your worker more information to prove your reason.

If you do not have a good reason, your cash aid will not be lowered if you agree to a compliance plan and do what the plan says.

Good Cause Reasons:

Check all the reasons that apply to you. If your reasons are not on the list, you can check the last box and write in your reason.

- I was sick.
- My child or another member of my household was sick and needed my care.
- I did not have child care.
- I recently had a death in my family (spouse, parent, child, or close relative).
- I did not have transportation or money for gas.
- The round trip travel time would be more than:
 - two hours by bus or other public transportation
 - two miles round trip on foot
- Weather or other act of nature prevented travel.
- I need help with a learning disability, mental health impairment, domestic violence issue, or substance abuse problem.
- I am homeless or living in unstable, temporary housing.
- I had legal problems.
- I was in jail.
- I was working that day.
- I never got a written notice.
- I have language problems.
- Any other reason that you believe should be considered.
(Explain:)

Give us any details or information that will show us that you had a good reason for not participating. _____

CLIENT'S NAME (PLEASE PRINT)	
CLIENT'S SIGNATURE	
CLIENT'S PHONE NUMBER	DATE

NOTICE OF ACTION

COUNTY OF _____

STATE OF CALIFORNIA
HEALTH AND HUMAN SERVICES AGENCY
CALIFORNIA DEPARTMENT OF SOCIAL SERVICES

Notice Date : _____
Case Name : _____
Number : _____
Worker Name : _____
Number : _____
Telephone: _____
Address : _____

(ADDRESSEE)

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Questions? Ask your Worker.

State Hearing: If you think this action is wrong, you can ask for a hearing. The back of this page tells how. Your benefits may not be changed if you ask for a hearing before this action takes place.

The box that is checked applies to you:

_____ ,
your cash aid will not go down on _____ , as we told you it would. We are not lowering your cash aid because you had a good reason for not doing your Welfare to Work assignment.

- This will not count as an instance of noncompliance in your case record.
- You still must participate in Welfare to Work activities unless we say you do not have to.

If you have any questions, call your Welfare to Work worker at:

() _____ - _____ right away.

_____ ,
your cash aid will go down on _____ , as we told you it would in the Notice of Action (NA 840) sent to you on _____ .

After talking to you and/or looking at information you gave us:

- We decided you did not have a good reason for not doing your Welfare to Work assignment; and
- You did not agree to sign a compliance plan as required.

You may file for a State hearing if you disagree with this decision.

If you have questions, call your Welfare to Work worker at:

() _____ - _____ right away.

_____ ,
your cash aid will not go down on _____ , as we told you it would. You did not have a good reason for not doing your Welfare to Work assignment, but you agreed to sign a compliance plan. If you complete the compliance plan, this will not count as an instance of noncompliance in your case record.

You may file for a State hearing if you disagree with our finding that you did not have a good reason for not doing your assignment.

If you do not do what the compliance plan says:

- We will lower your cash aid unless we decide you had a good reason for not completing the plan.
- You will get a new notice if we have to lower your cash aid.
- This will count as an instance of noncompliance in your case record.

If you have any questions, call your Welfare to Work worker at:

() _____ - _____ right away.

These rules apply: CalWORKs MPP Section 42-713 (good cause); 42-721 (good cause and noncompliance). You may review these rules at your welfare office.

State of California Manual Message Number: NA 840A
Source: Welfare to Work
Title: Determination of Good Cause/No Good Cause

Form No.: NA 840A
Effective Date: 10/03
Action: Create
Regulation Cites: CalWORKs Manual of Policies and Procedures Sections 42-713 (good cause), 42-721 (noncompliance and good cause)

MESSAGE:

The box that is checked applies to you: _____

_____,
your cash aid will not go down on _____,
as we told you it would. We are not lowering your cash aid because you had a good reason for not doing your Welfare to Work assignment.

- This will not count as an instance of noncompliance in your case record.
- You still must participate in Welfare to Work activities unless we say you do not have to.

If you have any questions, call your Welfare to Work worker at: () ____ - _____ right away.

_____,
your cash aid will not go down on _____,
as we told you it would. You did not have a good reason for not doing your Welfare to Work assignment, but you agreed to sign a compliance plan. If you complete the compliance plan, this will not count as an instance of noncompliance in your case record.

You may file for a State hearing if you disagree with our finding that you did not have a good reason for not doing your assignment.

If you do not do what the compliance plan says:

- We will lower your cash aid unless we decide you had a good reason for not completing the plan.
- You will get a new notice if we have to lower your cash aid.
- This will count as an instance of noncompliance in your case record.

If you have any questions, call your Welfare to Work worker at: () ____ - _____ right away.

_____,
your cash aid will go down on _____,
as we told you it would in the Notice of Action (NA 840) sent to you on _____.

After talking to you and/or looking at information you gave us:

- We decided you did not have a good reason for not doing your Welfare to Work assignment; and
- You did not agree to sign a compliance plan as required.

You may file for a State hearing if you disagree with this decision.

If you have any questions, call your Welfare to Work worker at: () ____ - _____ right away.

INSTRUCTIONS: Use this NOA to inform a recipient of the county's determination of good cause or no good cause when the recipient has claimed good cause within the 20-calendar day good cause/compliance period. This NOA is not used if the recipient did not contact the county within the 20-calendar day period, including via the WTW 27 "Request For Good Cause Determination" form, and the county's effort to establish good cause over the telephone failed. In this situation, the NA 840 also serves as the sanction notice.

Check the appropriate box:

Box 1: County determined good cause for noncompliance.

Box 2: County determined no good cause for noncompliance but recipient agreed to sign a compliance plan.

Box 3: County determined no good cause for noncompliance and recipient did not agree to sign a compliance plan.

Enter the recipient's name following the appropriately checked box. Then enter the date from the NA 840 that informed the recipient of the effective date of the sanction. If box three is checked, also enter the date that the NA 840 was sent to the recipient.

Provide the name and telephone number of the Welfare to Work worker for the individual to contact if he or she has questions.

The NA BACK 9, Your Hearing Rights, must be provided with this notice.

PLAN TO STOP A WELFARE TO WORK SANCTION

INSTRUCTIONS TO THE COUNTY: This form is only used to stop (“cure”) a Welfare to Work sanction. It does not replace the WTW 2, Welfare to Work Plan - Activity Assignment, or the WTW 3, Welfare to Work Plan Activity Assignment Change, which must be modified to communicate any changes in the individual's Welfare to Work requirements and supportive services needs, once this plan is no longer in effect.

CLIENT'S NAME (PLEASE PRINT):	CASE #:	DATE:
CASEWORKER'S NAME (PLEASE PRINT):	WORKER #:	PHONE #: ()

MY PLAN TO STOP A WELFARE TO WORK SANCTION

ACTIVITY #1:		ACTIVITY #2:	
BEGINS:	ENDS:	BEGINS:	ENDS:
LOCATION:		LOCATION:	
PHONE #: ()		PHONE #: ()	
SCHEDULE:		SCHEDULE:	
TOTAL HOURS/WEEK:		TOTAL HOURS/WEEK:	

COMMENTS/OTHER INSTRUCTIONS:

I understand that:

- To stop my sanction, I must do what this plan says for up to 30 calendar days from the date I sign this plan, or for the length of the activity, whichever is shorter.
- If the activity that the county asked me to do before is no longer available or right for me, I may have to do other activities to stop my sanction.
- The county cannot ask me to do an activity for a longer time than the length of the activity that led to my sanction.
- If I do not sign my plan, or do not do what my plan says without a good reason, my sanction will continue.
- The county will pay for supportive services (transportation, child care, and work- or training-related expenses) that I need to do the activity in my plan. The county will give me more information about these services in other notices.
- Once I do what my plan says to stop my sanction, my sanction will end on _____, and my aid will be restored as of _____. I may then be required to continue in the same activity, or start a new activity. If I have a Welfare to Work plan, it will be updated to tell me of any changes in my Welfare to Work requirements and supportive services needs.
- Once my sanction has ended, I can be sanctioned again if I stop doing the activity I am assigned to without a good reason.
- I can file for a State hearing if I disagree with the county about any part of my plan.

I understand that I will receive a copy of this “Plan To Stop My Welfare To Work Sanction” and, if I have any questions about the information in my plan, I can ask my worker.

<p>If you are sending this plan to your worker by mail, it must be signed and postmarked by _____, or your sanction may continue.</p>	CLIENT'S SIGNATURE:	DATE:
	CASEWORKER'S SIGNATURE:	DATE:

REQUEST TO STOP A WELFARE TO WORK SANCTION

INSTRUCTIONS TO THE CLIENT: Your family gets less cash aid because of a Welfare to Work sanction. If you want your sanction to stop, and it is your first sanction, you can fill out this form and return it to your Welfare to Work worker right away.

If this is your second or more time that the county has sanctioned you and you want your sanction to stop, fill out this form. Return this form to your Welfare to Work worker no earlier than 45 days from the date under the "How To Get Back On Cash Aid" section of the Notice of Action (NA 840) sent to tell you that you were being sanctioned.

Instead of filling out this form and mailing it to your Welfare to Work worker, you can also call your worker to tell him or her that you want your sanction to stop. If you do not know your worker's address or telephone number, call the county at: _____ .

REQUEST TO STOP A WELFARE TO WORK SANCTION

To stop my sanction, I must agree to do what the county says about meeting Welfare to Work rules.

This means that I must do an activity assigned in a "Plan To Stop A Welfare To Work Sanction" for up to 30 calendar days from the date that I sign the plan or for the length of the activity, whichever is shorter.

To stop my sanction, I understand that the county cannot ask me to do an activity for a time longer than the length of the activity that led to my sanction.

I also understand that if the activity that the county asked me to do before is no longer available or right for me, I must do other activities to stop my sanction.

NAME (PLEASE PRINT):		SIGNATURE:	
CASE # OR SOCIAL SECURITY #:		PHONE #: ()	DATE:
WELFARE TO WORK WORKER'S NAME (PLEASE PRINT):			

DO YOU NEED FREE LEGAL HELP?

You can get free legal help with this matter from the following:

State Welfare Rights Organization

Local Legal Aid Office

Phone #: ()	Phone #: ()