

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, California 95814



January 26, 2004

ALL COUNTY LETTER NO. 04-04

TO: ALL COUNTY WELFARE DIRECTORS
ALL COUNTY WELFARE TO WORK
COORDINATORSREASON FOR THIS TRANSMITTAL

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

SUBJECT: QUESTIONS AND ANSWERS RELATING TO CALIFORNIA WORK
OPPORTUNITY AND RESPONSIBILITY TO KIDS (CalWORKs)
WELFARE-TO-WORK ANCILLARY SERVICESREFERENCE: ALL COUNTY LETTERS (ACL) No. 00-12, 99-32, MANUAL OF
POLICIES AND PROCEDURES (MPP) SECTION 42-711, 42-750

The purpose of this letter is to provide policy clarification for the provision of ancillary services for CalWORKs participants. The CalWORKs Supportive Services Workgroup, comprised of Department staff, advocates, and county representatives, has been meeting over the past year to address CalWORKs ancillary services issues.

If you have questions about this letter, you may call Michael Lipkin, Work Support Services Bureau, at (916) 653-5216. If you have questions regarding ancillary services in general, please call the Work Support Services Bureau at (916) 654-1424.

Sincerely,
Original Document
Signed By Bruce Wagstaff
On 1/23/04
BRUCE WAGSTAFF
Deputy Director
Welfare to Work Division

Attachment

CalWORKs Ancillary Services Questions and Answers

Introduction

The goal in providing supportive services, including ancillary services, is to help CalWORKs participants participate in assigned program activities or to accept, obtain or retain employment.

Manual of Policies and Procedures (MPP) Section 42-750.11 provides that necessary supportive services shall be available to participants in order to participate in Welfare-to-Work (WTW) activities. If these services are not available, individuals have good cause for not participating.

Participants should be informed about the various ancillary services available, including the availability of advance payments, and be provided an explanation that these services include the cost of books, tools, fees, clothing, and other necessary costs specifically required for a job or approved WTW activities.

In addition to this letter, counties are referred to All County Letter (ACL) No. 03-15 (WTW Transportation Services) that includes questions and answers generally applicable to ancillary expenses. The questions and answers that also apply to ancillary services are those that address multiple activities, lost/stolen vouchers, volunteers, completion of forms, language comprehension, Notices of Action, and in-person visits.

Capping

Question #1: Can counties impose caps on ancillary service payments?

Answer: No. While capping necessary ancillary services is prohibited, there is no prohibition against a secondary review of proposed service costs beyond a predetermined level of expenditures. For example, under the county's written policies, a county could permit staff to authorize or pay up to a certain amount in ancillary service costs. Expenditures above this amount could be subject to verification of need through a process involving a narrative explanation in the case file and a review by a supervisor. However, such processing should not interfere with the individual's participation and advance payment shall be made when necessary and desired so that the participant need not use personal funds to pay for these services (see ACL No. 00-12 and MPP Section 42-750.21).

Question #2: Is there a limit on the number of times a county can issue ancillary payments for necessary items?

Answer: No. There is no limit on how many times ancillary payments can be issued (including payment for replacement items) as long as the participant can establish that the item is necessary to participate in approved WTW activities and/or to accept or retain employment.

Question #3: For participants who are complying with their WTW plan, is there a cap on how much a participant can receive in ancillary costs for part-time activities and/or work? For example, if a participant works part-time can the county pro-rate or limit the payment for uniform/working clothes, shoes, gloves, tools, etc.?

Answer: No. Ancillary services cannot be capped or pro-rated. If the participant needs ancillary services to obtain a uniform, shoes, gloves, or other necessary items to participate in WTW activities or to accept or retain employment, they must be provided to the participant.

Question #4: Can a county deny further ancillary services because a participant has received a pay check from a job?

Answer: No. A participant cannot be required to pay out of pocket for ancillary services (see MPP Section 42-750.21). Necessary supportive services are to 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 (see MPP Section 42-750.11).

School Supplies & Costs

Question #5: Can the county discourage participants from using supportive services available through CalWORKs based on the participant's receipt of financial aid that may be used to cover items such as books and school supplies?

Answer: No. Necessary supportive services cannot be denied or reduced based on the participant's receipt of financial aid unless the participant voluntarily chooses to use their financial aid to cover costs that otherwise would be covered by CalWORKs supportive services. Regardless of what is stated in a financial aid letter, a participant's use of financial aid to pay for supportive services is voluntary. The WTW8 must be used to document the participant's choice (see MPP Section 42-750.3 and ACL No 99-32).

Question #6: Must counties pay for books and other costs needed for elective classes selected by the participant?

Answer: These costs must be paid by CalWORKs if the elective classes count toward the degree or certificate program that is part of an approved WTW plan, even if they do not count toward the participant's major or concentration (see ACL No. 99-32).

Other Activities

Question #7: Are counties required to pay ancillary expenses for high cost items, such as equipment or supplies necessary for participation or to obtain or retain employment, or very low cost items, such as basic school supplies (e.g., notebooks and pens)?

Answer: Supportive services are to be made available to every participant when necessary to participate in the program activity to which he or she is assigned or to accept or retain employment. Counties must decide what is reasonable and what level of equipment is needed and may want to consider renting, leasing, or requiring students to use equipment that is available in school laboratories to meet the individual's needs, when the equipment is too expensive to purchase.

As stated in the response to Question #1, counties can set a limit over which additional review is required, as long as this review does not interfere with participation by the recipient. Advance payment, when needed and desired by the participant, must be made so that the participant need not use personal funds to pay for these services.

Question #8: Does the county have to pay for disability accommodations? For example, must a county pay for a rolling backpack for someone with a back impairment? Must a county pay for a tape recorder for someone with learning disabilities when an evaluator says it is necessary for participating in the assigned activity?

Answer: Yes. A county is responsible, and must pay, for reasonable accommodations that are not otherwise provided by other sources (Department of Rehabilitation, Workers' Compensation, etc.), if the items are necessary for the individual to participate on an equal basis with non-disabled participants in his or her approved WTW activity(ies). Although counties can verify whether any other entity can or is providing for the accommodation, the verification time must not interfere with participation by the individual.

Additionally, as mentioned in earlier responses, advance payment when needed and desired by the participant, must be made so that the participant need not use personal funds to pay for these services. Reminder: Disabled individuals who want accommodations are not required to disclose their diagnosis, but only verify the nature and extent of their disability(ies). Providers often can verify accommodation needs. Free services, such as the Job Accommodation Network (<http://janweb.icdi.wvu.edu/>), can also assist in determining reasonable accommodations.

Question #9: Must counties pay for supportive services necessary to participate in approved activities after the 18/24 month time limit?

Answer: Generally, to continue receiving cash assistance after reaching the 18- or 24-month time limit, individuals must participate in unsubsidized employment and/or

community service for sufficient hours to meet their CalWORKs work participation requirement. The county must provide necessary supportive services to individuals in unsubsidized employment and, if indicated in the county's CalWORKs plan, to individuals in post 18- or 24-month community service.

Furthermore, the county also must provide necessary supportive services to individuals who reach the 18- or 24-month time limit and are assigned to other allowable WTW activities pursuant to MPP Section 42-711.98, in the same manner as it does for WTW participants who have not reached the 18- or 24-month time limit.

Question #10: Must counties pay for clothing and shoes when a participant in a WTW activity other than Job Club/Job Search has a job interview?

Answer: Yes, if they are items necessary for a participant to secure or retain employment or participate in any other approved assignment or activity.

Hours of Participation

Question #11: Must a county pay for ancillary costs if a person is working and/or participating for less than 32/35 hours a week?

Answer: Yes. There is no minimum number of hours required to receive payments for ancillary expenses. An individual working or participating less than full time is still eligible for ancillary payments to support the approved activities in which they participate. Supportive services, including ancillary services, must be provided if they are necessary for the person to participate in an assignment or activity that is part of the person's WTW plan, or to obtain/retain employment.

MPP Section 42-711.61 states that any recipient of aid who is required or who volunteers to participate in WTW activities shall enter into a written WTW plan with the CWD. According to MPP Section 42-711.635, the participant must maintain satisfactory progress in the activities to which the participant is assigned, and the CWD shall provide the necessary supportive services set forth in the WTW plan.

Reimbursement

Question #12: What is the time frame for counties to make ancillary payments to participants?

Answer: A participant should be reimbursed as soon as administratively possible. The time that it takes to reimburse the participant should not impede the individual's participation in a WTW activity or employment. Additionally, as covered earlier, MPP Section 42-750.21 specifies that necessary supportive services are to be advanced to a participant whenever necessary and desired by the participant, so that the participant does not use personal funds to pay for these costs. The exception to paying the

participant in advance is when the participant states it is not necessary or desired. Participants should be informed of the availability of advance payment and the process for requesting payments.

Question #13: Must a county pay for costs incurred for an approved WTW activity when the participant does not have a receipt? For example, a student buys books and finds out later that CalWORKs would have paid for them, but the student doesn't have the receipt anymore even though s/he produces an affidavit and report card that validates the individual took the classes for which the books were used.

Answer: Yes. When receipts or other documentation are not available, a written declaration which includes an explanation of why the expense was necessary and no documentation is available, and signed by the participant under penalty of perjury, shall be acceptable if the CWD has no information to the contrary.