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DEPARTMENT OF SOCIAL SERVICES
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ARNOLD SCHWARZENEGGER
GOVERNOR

September 9, 2008

ALL COUNTY LETTER NO. 08-38

REASON FOR THIS TRANSMITTAL

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

TO: ALL COUNTY WELFARE DIRECTORS
ALL COUNTY WELFARE-TO-WORK COORDINATORS
ALL COUNTY REFUGEE COORDINATORS
ALL CONSORTIA MANAGERS

SUBJECT: CALIFORNIA WORK OPPORTUNITY AND RESPONSIBILITY TO KIDS (CalWORKs) WELFARE-TO-WORK (WTW) EMERGENCY REGULATIONS IMPLEMENTING ASSEMBLY BILL 1808 REQUIREMENTS REGARDING DURATIONAL SANCTIONS AND COUNTY PLAN ADDENDAS

REFERENCE: ALL COUNTY LETTERS (ACLs) 06-27, 06-46, AND 07-04

The purpose of this letter is to transmit emergency regulations that amend CalWORKs WTW program requirements due to the enactment of Assembly Bill (AB) 1808 (Chapter 75, Statutes of 2006). The relevant provisions of AB 1808 were implemented through ACL 06-27, dated July 25, 2006; ACL 06-46, dated October 5, 2006; and ACL 07-04, dated January 12, 2007. The attached CalWORKs WTW program regulations formally implement these provisions and became effective July 1, 2008.

AB 1808, in part, amended Section 11327.5 of the Welfare and Institutions (W&I) Code to modify the CalWORKs sanction process by eliminating minimum sanction periods for CalWORKs recipients who do not comply with WTW program requirements. AB 1808 also amended W&I Code Section 10534 to add requirements regarding county plan addenda.

NEW OR AMENDED WTW REGULATIONS

Changes to the WTW program regulations resulting from AB 1808 include the following:

Elimination of Minimum Sanction Periods

- The requirement that recipients remain in sanction status for a minimum of three or six months for second, third, and subsequent financial sanctions was

deleted and a new provision was established to allow an individual to end his or her sanction at any point the individual performs the activity or activities he or she previously refused to perform.

- The regulation on vouchers and vendor payments was modified to eliminate a reference to minimum sanction periods, requiring that the county establish a policy that specifies when the county will begin to issue vouchers or vendor payments after a three-month period in sanction status.

County Plan Addendum Requirements

- The CalWORKs County Plan regulations were amended to add the requirement that counties must submit a county plan addendum every three years.

If you have questions or need additional information regarding the information in this letter, please contact your California Department of Social Services Employment Bureau county consultant at (916) 654-2137.

Sincerely,

Original Document Signed By:

CHARR LEE METSKER
Deputy Director
Welfare to Work Division

Attachment

c: CWDA

Amend Section 42-721 to read:

42-721 NONCOMPLIANCE WITH PROGRAM REQUIREMENTS

42-721

.2 Compliance Process (Continued)

.23 (Continued)

.232 The written notice of action shall contain the following additional information:
(Continued)

- (j) The steps the individual must take to have aid restored ~~at the end of the sanction period.~~ (Continued)

.4 Sanctions

.41 (Continued)

~~.412 The period of time a sanctioned individual is considered a reunification parent under Section 82-812.68 shall count toward meeting the sanction periods specified in Section 42-721.43.~~

~~.413~~ .412 (Continued)

.43 Financial sanctions for failing or refusing to comply with program requirements without good cause shall result in a reduction in the family's grant by removing the noncomplying family member from the assistance unit ~~for a period of time that increases in the following manner:~~ until the noncomplying individual performs the activity(ies) he or she previously refused to perform; or if the activity that the noncomplying individual originally failed to perform is no longer available or appropriate, the county must specify another appropriate activity for the individual to perform.

~~.431 The first instance of noncompliance without good cause shall result in a financial sanction until the noncomplying participant performs the activity(ies) he or she previously refused to perform.~~

~~.432 The second instance of noncompliance without good cause shall result in a financial sanction for three months or until the noncomplying participant performs the activity(ies) he or she previously refused to perform, whichever is longer.~~

~~.433 The third and each subsequent instance of noncompliance without good cause shall result in a financial sanction for six months or until the noncomplying participant performs the activity(ies) he or she previously refused to perform, whichever is longer. (Continued)~~

.45 In a two-parent assistance unit whose basis for deprivation is unemployment, the sanctioned parent shall be removed from the assistance unit. (Continued)

.454 A spouse or second parent who chooses to participate to avoid the noncomplying parent's sanction, and subsequently ceases participation without good cause and fails or refuses to agree to or fulfill the terms of a compliance plan without good cause, shall be removed from the assistance unit ~~for a period of time specified in accordance with~~ Section 42-721.43. (Continued)

.48 The CWD shall restore aid:

.481 ~~Upon expiration of the sanction period~~ On the first day of the month following the date that the individual contacted the county to indicate his or her desire to end the sanction, once the activities in accordance with Section 42-721.43 have been successfully completed, if the individual ~~applies for aid,~~ is determined to be in compliance with program requirements, and is otherwise eligible; or (Continued)

.483 (QR) (Continued)

HANDBOOK BEGINS HERE

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

(b) Example: An individual contacts the CWD on July 14 and indicates she wishes to end 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 ends her sanction. If the individual is otherwise eligible, her cash aid is restored back to August 1.

HANDBOOK ENDS HERE

.49 The CWD shall grant aid:

.491 On the first day of the month following the date that the individual contacted the county to indicate his or her desire to end the sanction, once the activities in accordance with Section 42-721.43 have been successfully completed, if the individual applies for aid, is determined to be in compliance with program requirements, and is otherwise eligible.

HANDBOOK BEGINS HERE

- (a) Example: An individual who was sanctioned and left aid with his family after failing to participate in vocational education contacts the CWD on July 1 to reapply for aid. His family is determined eligible for aid on July 5 and aid is granted to the family as of July 5; before aid can be granted for the sanctioned individual he must cure his sanction. The individual signs his curing plan on July 5, participates in a vocational education program for 30 days, and successfully cures his sanction on August 3. If the individual is otherwise eligible, his cash aid is granted back to August 1 as a county-initiated mid-quarter change pursuant to Section 44-316.331(c)(QR).

HANDBOOK ENDS HERE

.5 State Hearing and Formal Grievance (Continued)

Authority cited: Sections 10553, 10554, and 10604 Welfare and Institutions Code.

Reference: Sections 11203, 11265.2, 11320, 11320.31, 11322.9, 11324.8(d), 11327.4, 11327.5(a) through (e), 11327.6, 11327.8, 11327.9, 11328.2, 11333.7, 11454, and 16501.1(d), (e), (f), and (g), Welfare and Institutions Code.

Amend Section 42-780 to read:

42-780 COUNTY PLANS FOR CALWORKS

42-780

.1 (Continued)

.6 A county shall submit an addendum to the county plan once every three years.

Authority cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

Reference: Sections 10530, 10531, 10532(b)(1), 10534, 10542, 10553.2(d), 11321.6, 11322.7, 11322.9, 11323.2, 11325.7, 11325.8, 11327.8, 11329.4 and 13280, Welfare and Institutions Code; and 42 U.S.C. 602(a)(5) and 612.

Amend Section 44-303 to read:

44-303 AID PAYMENTS-DEFINED

44-303

Aid payments are: (Continued)

.3 Vendor Payments, i.e., payments made directly to a person or agency supplying goods or services to the recipient or family. Vendor payments are applicable: (Continued)

.34 In CalWORKs cases in which a parent or caretaker relative ~~is~~ has been subject to sanction for ~~a period of time known in advance to be~~ at least three consecutive months (see Section 44-307.12). A county shall establish when to begin to issue vouchers or vendor payments after this three-month period in sanction status. This timeframe shall be included in a county's written policies and procedures.

Authority cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 11251.3, 11327.5(d), 11453.2 and 17012.5 Welfare and Institutions Code; Family Support Act of 1988, Public Law (PL) 100-485, October 13, 1988 and California Department of Health Services Manual Letter 77-1.

Amend Section 44-307 to read:

44-307 VOUCHER/VENDOR PAYMENTS

44-307

.1 Voucher/Vendor Payments (Continued)

.12 Sanction

Any time a parent or caretaker relative ~~is~~ has been subject to sanction for ~~a period of time known in advance to be~~ at least three consecutive months. A county shall establish when to begin to issue vouchers or vendor payments after this three-month period in sanction status. This timeframe shall be included in a county's written policies and procedures. The vouchers or vendor payments shall continue until the parent or caretaker relative is no longer subject to sanction.
(Continued)

Authority cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 11251.3, 11320.15, 11327.5(d), 11450.13, 11453.2 and 17012.5 Welfare and Institutions Code; and Section 1942, Civil Code.

Amend Section 44-318 to read:

44-318 BEGINNING DATE OF AID (BDA) FOR PERSONS 44-318
BEING ADDED TO THE AU

.1 Beginning Date of Aid The BDA shall be: (Continued)

.13 Sanction/
Noncooperating Persons (Continued)

(QR) The first of the month following the date the person meets the requirement which caused that person to be excluded from the AU, after all conditions of eligibility have been met (see Section 44-316.331 (c) (QR)), ~~and the minimum sanction periods in accordance with Section 42-721.43 have passed.~~ (Continued)

Authority cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 11056, 11265.1, 11265.2, ~~and 11265.3,~~ and 11327.5(d) Welfare and Institutions Code; 45 CFR 233.10 and .20 (a)(13); Federal Register, Vol. 57, No. 131; and SSA-AT-86-01.

Amend Section 82-812 to read:

82-812 TEMPORARY ABSENCE (Continued)

82-812

.6 Exceptions to One Full Calendar
Month Time Limitation (Continued)

.68

Children Receiving Out-of-Home Care
(Continued)

.687

(Continued)

(e)

Pursuant to Section 42-711.512 and Section 42-721.413, reunification parents who are in subject to a WTW sanction, ~~including a second or third instance sanction,~~ are not precluded from receiving CalWORKs reunification services. ~~Participation in a family reunification plan will also count toward any required sanction period.~~

Authority cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 11203, 11265.1, 11269, 11323.4, 11327.5(d), and 11454 Welfare and Institutions Code; and 42 USC ~~4~~608 (a)(10).