

DEPARTMENT OF SOCIAL SERVICES
744 P Street, Sacramento, CA 95814



November 25, 1983

ALL-COUNTY LETTER NO. 83-122

TO: ALL COUNTY WELFARE DIRECTORS

SUBJECT: FURTHER COURT ORDER IN REYNA VS. McMAHON

REFERENCE: ALL COUNTY LETTER 83-109

A hearing was held in San Francisco Superior Court, November 15, 1983, to hear the allegation of the plaintiffs that All County Letter No. 83-109 did not accurately set forth the requirements of the Preliminary Injunction issued on October 17, 1983. The plaintiffs contended, and the judge agreed, that the case identification requirements of that ACL were inadequate. The court issued an order directing the Department of Social Services (DSS) to require counties that did not notify all strikers denied or discontinued AFDC-U under the terms of the preliminary injunction to take further steps to notify those families. This order is attached (Attachment I) and supplements the preliminary injunction contained in ACL 83-109.

The court changed the beginning month of the order from April 1982 to October 1982. The court also specifically gives several options for those counties that were unable under the original order to identify and notice all families denied AFDC-U or discontinued from AFDC-U because of the striker provisions contained in EAS Section 44-206. The order also permits counties to use any other method to get notice to these people. The options are as follows:

1. Counties may send a notice to only those persons who were denied or discontinued on the basis of EAS Section 44-206;
2. Counties may send a notice to all persons who were denied AFDC-U benefits or whose AFDC-U benefits were discontinued;
3. Counties may send a notice to all persons who were denied AFDC benefits or whose AFDC benefits were discontinued;
4. Counties may contact all unions within their own jurisdiction that were on strike, obtain a list of members within each union on strike, and either a) send a notice to all strikers, or b) search

the files to determine if any of those listed were denied or terminated from AFDC-U because of their participation in the strike. In a letter to follow, DSS will transmit a listing of unions which participated in a strike during the period April 1982 to October 1983. This listing will contain the name of the employer, the name of the union, and the location of the union; the letter will also contain further procedural instructions. Counties choosing this option that have difficulty in obtaining information from unions should contact DSS to determine if additional information (such as employee names) is available.

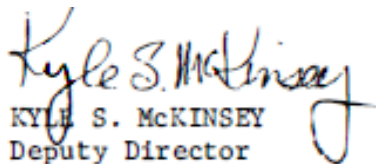
Counties that know, such as through information obtained from EDD, that there have been no strikes can report such knowledge in writing as a sufficient response to the court.

Those counties that are able through their own means to identify all denials and discontinuances due to strike participation need do no more than send those identified persons the notification which accompanied ACL 83-109.

To date, DSS has received Response Forms from a number of counties which constitute sufficient response to the original court order. The counties listed on Attachment II need not do anything further to comply. Any other counties that in the future submit Response Forms that meet the requirements of the court will be notified individually. All other counties are required to send the Important Notice attached to ACL 83-109 or the notice attached to this letter as Attachment III by December 19, 1983. In accordance with the court order, counties must retain a list of the name and address of each person to whom they sent a notice.

The county must then submit Attachment IV to DSS by December 23, 1983, specifying the method used to identify the persons to receive notices, the date notices were sent, and the number of notices sent. It is important that counties report timely so that DSS may inform the court by December 30, 1983 what each county has done to comply with the order.

If you have any questions concerning this letter, please contact Diane Munso at (916)324-2004.


KYLE S. MCKINSEY
Deputy Director

Attachments

cc: CWDA