

## SHD Paraphrased Regulations - CalWORKs

### 100 Welfare-to-Work

#### 100-0

The California Work Opportunity and Responsibility to Kids (CalWORKs) Act became operative in 1998. The Welfare-to-Work Program is the employment and training aspect of CalWORKs that replaces the previous Greater Avenues for Independence (GAIN) program. Welfare-to-Work is a comprehensive statewide employment program designed to enable participants to achieve self-sufficiency through employment. The intent of the Welfare-to-Work Program is to provide employment and training services to virtually all adult recipients. (Handbook §42-701.1)

#### 100-1

As of January 1, 1998, state law provides that any statutory reference to the Greater Avenues for Independence (GAIN) program shall mean the welfare-to-work activities under the CalWORKs program. (W&IC §11320)

#### 100-2 ADDED

1/15 Each county shall have a plan, approved by the County Welfare Director and the County Board of Supervisors and submitted to CDSS, which describes how the county intends to deliver the full range of activities and services necessary to move CalWORKs recipients from welfare-to-work. (§§42-780.1 and .5)

Required contents of the county plans are listed in Welfare and Institutions Code Sections 10530, 10531, 10542(a), 11321.6, 11322.7, 11322.9(d), 11323.2(b), 11325.7(b), 11325.8(a), 11327.8(a), and 13280..51 (Handbook §42-780.12)

#### 100-3 REVISED 7/06

When there are laws or CDSS regulations which authorize counties to adopt specific standards which affect an applicant's or recipient's eligibility, grant amount, or welfare-to-work (WTW) activities, including supportive services, these standards shall be in writing and made available to the public on request. (§11-501.3, effective February 10, 1999; All-County Letter (ACL) No. 02-03, January 18, 2002) These county standards must be in compliance with translation requirements. (§21-115; ACL No. 00-08, January 3, 2000)

Examples of such mandated written standards include but are not limited to: (1) Definitions of what constitutes regular school attendance and good cause criteria under §40-105.5; extending the work exemption based on caring for a young child under §42-712.47; diversion program requirements under §81-215.32; child care or other required activities for children not in the AU under §§47-201.12 and 47-401.45; and continuing case management and/or supportive services for former recipients, under §42-717.1. (Handbook §11-501.3) Approximately 15 other examples of mandated written standards have been set forth by the CDSS. (§11-501.3, ACL No. 00-08)

#### 100-9

"Adult Basic Education" means a welfare-to-work activity "with instructions in reading, writing, arithmetic, high school proficiency, or general educational development certificate instruction, and English-as-a-second-language." (§42-701.2(a)(1))

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#### 100-9A

"CalWORKs Federal Standards" means the participation requirements, specified in Section 42-709, a recipient may meet in order to not have a month count toward his or her Welfare-to-Work 24-Month Time Clock, specified in Section 42-708. It also means the participation requirements an adult recipient must meet when he or she has exhausted his or her Welfare-to-Work 24-Month Time Clock in order for the adult to remain eligible for cash aid. (§42-701.2(c)(1))

#### 100-9B

"CalWORKs Minimum Standards" means the minimum participation requirements an individual must meet, as described in Section 42-711.41, when he or she has months remaining on his or her Welfare-to-Work 24-Month Time Clock. (§42-701.2(c)(2))

#### 100-10

"Community service" means a welfare-to-work training activity that is temporary and transitional, is performed in the nonprofit sector under the close supervision of the activity provider, and provides participants with basic job skills which can lead to employment while meeting a community need. (§42-701.2(c)(5))

#### 100-11

"Doctor" means a health care professional who is licensed by a state to diagnose/treat physical and mental impairments that can affect an individual's ability to work or participate in welfare-to-work activities. "Doctor" includes, but is not limited to, doctors of medicine, osteopathy, chiropractic, and licensed/certified psychologists. (§42-701.2(d)(2))

#### 100-11A

"Education Directly Related to Employment" means education related to a specific occupation, job, or job offer. The activity is primarily for adult education leading to a General Educational Development (GED) credential or high school equivalency diploma, where required as a prerequisite for employment. (§42-701.2(e)(1))

#### 100-12

"Employment" means work that is compensated at least at the applicable state or federal minimum wage. If neither wage rate applies, the work must be compensated in an amount equivalent to the lesser of the two. (§42-701.2(e)(2))

#### 100-12A

"Grant-Based On-The-Job Training (OJT)" is a funding mechanism for subsidized public or private sector employment or OJT in which the recipient's cash grant, or a portion thereof, or the aid grant savings resulting from employment, or both, is diverted to the employer as a wage subsidy to partially or wholly offset the payment of wages to the participant, so long as the total amount diverted does not exceed the family's maximum aid payment. Grant savings from employment is the net nonexempt income from employment, as determined pursuant to Section 44-111.2. Grant-based OJT may include community service positions. (§42-701.2((g)(2))

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The County Welfare Department (CWD) shall assign a recipient to a Grant-Based On-The-Job Training (hereafter OJT) funded position only if the individual voluntarily consents in writing to the diversion of her/his grant to an employer as a wage subsidy following a one-on-one meeting in which the consent form and assignment are reviewed and discussed with the individual. The written consent shall include, as a minimum, the following:

- .511 A statement that the recipient's assignment to OJT is voluntary and the CWD shall take no action against the individual for refusing to agree to be assigned to an OJT funded position.
- .512 Notification that the participant is subject to sanction pursuant to §42-721, if she/he fails to comply with the requirements of the OJT assignment without good cause.
- .513 A statement that the participant's net income from OJT may be less than the participant's current grant payment.
- .514 The worksite(s) and job duties, the length of the OJT assignment, hours of employment, hourly wage, and available benefits.
- .515 The good cause criteria set forth in §§42-713 and 42-721.3.
- .516 An agreement by the participant that he/she is obligated to return any recovered wages to the CWD, up to the amount of any corrective underpayment paid pursuant to §42-716.742.

(§42-716.51)

#### 100-12B

"Job Search" means a welfare-to-work activity in which the participant's principal activity is to seek employment. (§42-701.2(j)(4))

#### 100-12C

"On-the-job Training" means training in the private or public sector that is given to a paid participant while the participant is engaged in productive work. The employer is subsidized to offset training costs. This activity may also include paid classroom instruction as required by the participant's employer. (§42-701.2(o)(2))

#### 100-15

"Subsidized Employment" means employment in which the welfare-to-work participant's employer is partially or wholly reimbursed for wages and/or training costs. (§42-701.2(s)(2))

#### 100-15A

"Supported Work or Transitional Employment" means a welfare-to-work activity that is a form of grant-based OJT in which the participant's cash grant, or a portion thereof, or the aid grant savings from employment, is diverted to an intermediary service provider to partially or wholly offset the payment of wages to the participant. (§42-701.2(s)(4))

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#### 100-15B

"Universal Engagement" means non-exempt individuals are required to participate in welfare-to-work activities by signing a welfare-to-work plan within the time frames specified in Section 42-711.62. (§42-701.2(u)(1))

#### 100-15C

"Unsubsidized Employment" means employment in the public or private sector for which the welfare-to-work participant's employer is not reimbursed for wages and/or training costs by the CWD or via any other entity. (§42-701.2(u)(2))

#### 100-15D

"Vocational Education and Training" or "Vocational Educational Training" means organized educational programs that are directly related to the preparation of individuals for employment in current or emerging occupations, and includes, but is not limited to, college and community college education, adult education, regional occupational centers, and other occupational programs. (§42-701.2(v)(1))

#### 100-16

"Work Experience" means a welfare-to-work training activity in the public or private sector under the close supervision of the activity provider, that helps provide basic job skills, enhance existing job skills in a position related to the participant's experience, or provide a needed community service that shall lead to unsubsidized employment. (§42-701.2(w)(4))

#### 100-16A

"Work Study" means a type of subsidized employment as described in 42-701.2(s)(2) in which the subsidized employment placements are made through a college where a welfare-to-work participant is enrolled and making satisfactory progress. (§42-701.2(w)(5))

#### 101-1

Effective January 1, 2013, state WTW hourly participation requirements are aligned with federal requirements.

Along with the federal standards for participation, starting January 1, 2013 there is a WTW 24-Month Time Clock (within the CalWORKs 48-month time limit for cash aid). During this 24-month period on aid the core and non-core components of the federal standards will not apply and adult recipients will be required to meet only the total hour requirements. The 24 months need not be consecutive and can be used at any time during the adult's 48 months of time on aid. The federal core/non-core requirements are required if the participant has used up the 24 month WTW time clock and any extensions to it.

In general, the Welfare to Work hourly requirements effective January 2013 are as follows:

The WTW 24-Month Time Clock (No Core/Non-Core Requirements)

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- 20 hours per week for single parents with a child under six years old.
- 30 hours per week for single parents with no child(ren) under six years old.
- For a two-parent family in which one parent is exempt because of a disability, the remaining parent's required hours will either be 20 or 30 hours, depending on the age of the youngest child(ren)
- 35 hours per week for two-parent families whose basis for aid is unemployment (combined between two parents).

### Post-WTW 24-Month Time Clock Requirements

After 24 cumulative months, unless otherwise exempt or having received an extension, aided adults must meet federal work requirements in order to continue receiving cash aid, including federal core and non-core hourly requirements.

- 20 hours of core activities per week for single parents with a child under six years old (20 hours total).
- 20 hours of core activities and 10 hours of non-core activities per week for single parents with no child(ren) under six years old (30 hours total).
- 30 hours of core activities and 5 hours of non-core activities per week for two-parent families where neither parent is disabled (35 hours total)
- 20 hours of core activities and 10 hours of non-core activities per week for two-parent families where one parent is disabled (30 hours total)

(All County Letter No. 12-69, December 17, 2012; see also All County Letter No. 15-03, January 9, 2015; All County Information Notice No. I-08-13; February 28, 2013)

### 101-1A

Prior to the January 1, 2013, the Welfare-to-Work (WTW) hourly participation requirements were as follows:

An adult recipient in a one parent AU was required to participate each month for 32 hours per week, on average, in WTW activities, unless exempt from WTW. A minimum average of 20 hours per week of participation was required to be in one or more core welfare-to-work activities. (§42-711.411, as effective prior to January 1, 2013)

An adult recipient in a two-parent AU, whose basis for aid was unemployment, was required to participate each month in WTW activities for a minimum average per week of 35 hours. Both parents could contribute toward the 35-hour requirement if one parent's participation was a minimum average of 20 hours per week. A minimum average of 20 hours per week of participation was required to be in one or more core welfare-to-work activities.

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(§42-711.421, as effective prior to January 1, 2013)

#### 101-1B

Effective July 1, 2014, CalWORKs hourly participation requirements are determined by an average per week during the month, rather than by a weekly minimum. (All County Letter No. 14-80, November 14, 2014)

#### 101-1C

The required average number of participation hours per week in the month for each assistance unit is determined by dividing the recipient's total number of participation hours for the month in all activities by 4.33. (§§42-709.53, 42-711.43)

#### 101-1D ADDED

5/16A Pregnant Woman Only (PWO) client has an average weekly participation requirement of 30 hours, 20 of which must be in core activities, to meet CalWORKs federal standards. A PWO client who has exhausted the WTW 24-Month Time Clock during a previous period of aid, must meet CalWORKs federal standards to remain on aid, unless she is exempt from WTW.

If the father is living in the home with a PWO client, he is excluded from her AU in regard to receiving CalWORKs assistance and cannot contribute any hours to the PWO's participation requirements.

For this reason, in no case can there be a two-parent PWO subject to a 35-hour participation requirement under CalWORKs minimum standards or a 35-hour (30 core) participation requirement under CalWORKs federal standards.

(All County Letter No. 16-21, April 15, 2016)

#### 101-1E ADDED

5/16 For the purpose of meeting CalWORKs minimum standards only, the participation requirement for Pregnant Women Only (PWO) individuals is aligned with the participation requirement for single-parent AUs with a child under six, as described in MPP Section 42-711.411(b). Unless qualified for a WTW exemption, a PWO client who has time remaining on the WTW 24-Month Time Clock (WTW 24-MTC) has an average weekly participation requirement of 20 hours to meet CalWORKs minimum standards. While meeting CalWORKs minimum standards, a PWO client will have months count on the WTW 24-MTC.

(All County Letter No. 16-21, April 15, 2016)

#### 101-2

All adults who are a member of an assistance unit and subject to welfare-to-work participation requirements are subject to the Welfare-to-Work 24-Month Time Clock. (§42-708.121)

#### 101-2A

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"Welfare-to-Work 24-Month Time Clock" refers to a cumulative 24-month period in an individual's lifetime, during which he or she may participate in any approvable activity (pursuant to Section 42-716.1), so long as participation is consistent with his or her assessment under Section 42-711.55 and addresses at least one of the following:

.111 A particular need for barrier removal activities or other welfare-to-work activities that are not CalWORKs federal standards core activities as described in Section 42-709.31, including, but not limited to, vocational education beyond the 12-month limitation described in Section 42-709.315.

.112 The circumstances and career goals of the participant.

(§42-708.1)

#### 101-3

During their Welfare-to-Work 24-Month Time Clock period, adult recipients can participate in any of the CalWORKs activities they need, consistent with their assessments, to obtain employment and become self-sufficient. After this 24-month period is exhausted, adult recipients are limited to activities that meet CalWORKs federal standards in order for the adult to continue receiving cash aid. (Handbook, §42-701.1(c))

#### 101-4

The WTW 24-Month Time Clock provides 24 cumulative months out of the maximum 48 months of aid for CalWORKs adults to participate in WTW activities, consistent with an assessment, without activity time limits or core hourly requirements. The flexibility resulting from this change is intended to support client opportunities to reach self-sufficiency by addressing client barriers and expanding the opportunities for job preparation. (All County Letter No. 15-03, January 9, 2015.)

#### 101-5

The WTW 24-Month Time Clock does not affect a client's 48-month CalWORKs time limit. Participants who have reached their CalWORKs 48-month time limit in accordance with Section 42-302.1, but have time remaining on their Welfare-to-Work 24-Month Time Clock are not entitled to continue participating in the welfare-to-work program unless they qualify for a 48-month time limit exception under Section 42-302.11. (§42-708.151)

#### 101-6

For a participant granted a 48-month time limit exception under Section 42-302.11 who has yet to exhaust the Welfare-to-Work 24-Month Time Clock, and who is required to participate in welfare-to-work, he or she may continue to participate in activities that meet CalWORKs minimum standards until his or her Welfare-to-Work 24-Month Time Clock is exhausted, at which time he or she must meet CalWORKs federal standards. (§42-708.152)

#### 101-7

The following individuals are excluded from the Welfare-to-Work 24-Month Time Clock:

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- .131 Cal-Learn Exclusion: Individuals who are required to participate in, participating in, or exempt from the Cal-Learn.
- .132 Non-Parenting Dependent Teens: Individuals who qualify for aid, are 16- or 17-years old, are non-parenting dependent teens, and are required to attend high school.
- .133 Non-Cal-Learn 19-Year Old Custodial Parents: Individuals who qualify for aid, are 19-years old, and have not obtained a high school diploma or its equivalency.
- .134 Non-Minor Dependent Exclusion: Individuals who are non-minor dependents and are not required to participate in welfare-to-work in accordance with Section 42-712.13.

(§42-708.13)

101-8

Approvable welfare-to-work activities during the participant's Welfare-to-Work 24-Month Time Clock period include any of the following activities as needed to obtain employment:

- (a) Unsubsidized employment.
- (b) Subsidized private sector employment, as defined in Section 42-701.2(s)(2) that is performed in the private sector.
- (c) Subsidized public sector employment.
- (d) Work experience.
  - (1) Unpaid work experience shall be limited to 12 months, unless the CWD and the welfare-to-work participant agree to extend this period by an amendment to the welfare-to-work plan.
    - (A) At the time of the assignment to the work experience activity, the CWD shall identify the job skill(s) to be developed or enhanced. The CWD shall review the work experience activity as necessary to determine the participant's progress toward reaching the training goal.
    - (B) Revisions to the welfare-to-work plan shall be made as necessary to ensure that the work experience assignment continues to be consistent with the participant's plan and is effective in preparing the participant to obtain employment.
  - (2) The maximum hours of participation in unpaid work experience shall be limited as follows:

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- (A) Participants in work experience activities whose assistance units include food stamp recipients shall participate in these activities for no more than the number of hours each month, determined collectively for the assistance unit, equal to the CalWORKs assistance unit's grant plus the assistance unit's portion of the food stamp allotment divided by the higher of the state or federal minimum wage.
  - (B) Participants in work experience activities whose assistance units do not include food stamp recipients shall participate in these activities for no more than the number of hours each month, determined collectively for the assistance unit, equal to the CalWORKs assistance unit's grant divided by the higher of the state or federal minimum wage.
- (3) The monthly limit shall be considered to have been met by participation in an average weekly number of hours determined by dividing the monthly amount by 4.33 (average number of weeks per month).
- (e) On-the-job training (OJT).
  - (f) Grant-based OJT.
  - (g) Supported work or transitional employment, except that only the grant or the grant savings can be diverted to the employer.
  - (h) Work study.
  - (i) Self-employment
  - (j) Community service.
- (1) At the time of the assignment to the community service activity, the CWD shall identify the job skill(s) to be developed or enhanced. The CWD shall review the community service activity as necessary to determine the participant's progress toward reaching the training goal.
- (A) Revisions to the welfare-to work plan shall be made as necessary to ensure that the community service assignment continues to be consistent with the participant's plan and is effective in preparing the participant to obtain employment.
- (2) Hours of participation in unpaid community service shall be limited as
- (A) A participant in unpaid community service activities whose assistance unit includes food stamp recipients may participate in these activities for no

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more than the number of hours each month, determined collectively for the assistance unit, equal to the CalWORKs assistance unit's grant plus the assistance unit's portion of the food stamp allotment divided by the higher of the state or federal minimum wage. If all or a portion of the CalWORKs assistance unit's grant has been diverted to an employer pursuant to Sections 42-701.2(g)(2) and 42-716.1(f), only that portion, if any, received as a grant and the assistance unit's portion of the food stamp allotment shall be used in this calculation.

- (B) A participant in unpaid community service activities whose assistance unit does not include food stamp recipients may participate in these activities for no more than the number of hours each month, determined collectively for the assistance unit, equal to the CalWORKs assistance unit's grant divided by the higher of the state or federal minimum wage. If all or a portion of the CalWORKs assistance unit's grant has been diverted to an employer pursuant to Sections 42-701.2(g)(2) and 42-716.1(f), only that portion, if any, received as a grant shall be used in this calculation.
- (3) The monthly limit in Sections 42-716.1(j)(2)(A) and (B) shall be considered to have been met by participation in an average weekly number of hours determined by dividing the monthly amount by 4.33 (average number of weeks per month).
- (4) Community service activities shall comply with the non-displacement provisions specified in Section 42-720.
- (k) Adult basic education, limited to those situations in which the education is needed to become employed.
  - (1) Participants shall be referred to appropriate service providers that include, but are not limited to, educational programs operated by school districts or county offices of education that have contracted with the superintendent of public instruction to provide services to the participant, pursuant to Section 33117.5 of the Education Code.
- (l) Job skills training directly related to employment.
- (m) Vocational education and training limited to those situations in which the education is needed to become employed, including, but not limited to, college and community college education, adult education, regional occupational centers, and regional occupational programs.

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- (1) Any child care provider job training that is funded by either the State Department of Education or the California Department of Social Services shall include information on becoming a licensed child care provider.
  
- (n) Job search and job readiness assistance.
  
- (o) Education directly related to employment, limited to those situations in which the education is needed to become employed.
  
- (p) Satisfactory progress in a secondary school or in a course of study leading to a certificate of general educational development, in the case of a recipient who has not completed secondary school or received such a certificate, limited to those situations in which the education is needed to become employed.
  
- (q) Mental health, substance abuse, and domestic abuse services that are necessary to obtain and retain employment.
  
- (r) Other activities necessary to assist an individual in obtaining unsubsidized employment.
  
- (s) Participation required of the parent by the school to ensure the child's attendance.

(§42-716.1)

101-10

During a recipient's WTW 24-Month Time Clock, unless exempt from participation, an adult recipient in a one-parent assistance unit must be assigned an hourly work requirement of 20 or 30 hours per week, based on whether there is a child under six in the home.

- (a) An adult recipient in a one-parent assistance unit in which there is not a child under six in the home shall participate in welfare-to-work activities for an average of at least 30 hours per week during the month.
  
- (b) An adult recipient in a one-parent assistance unit may participate in welfare-to-work activities for an average of at least 20 hours per week during the month if one of the following conditions are met:
  - (1) There is a child under six in the assistance unit.
  
  - (2) There is a child under six in the home who is not in the assistance unit but the adult recipient exercises responsibility for the day-to-day care and control of that child.

(§42-711.411)

101-11

The 20 hour per week participation requirement applies where the adult recipient exercises responsibility for the day-to-day care and control of a child under six in the home who is not eligible for cash aid due to the receipt of other public benefits (e.g. Supplemental Security Income/State Supplementary Payment (SSI/SSP, etc.)). (All County Letter No. 14-16, February 5, 2014)

101-12

Single-parent assistance units with excluded second parent in the home

AU's in which two natural or adoptive parents are living in the home, where one is aided and the other is ineligible (such as for ineligible immigration status) are considered a single-parent AU for determining CalWORKs minimum participation requirements during the WTW 24-Month Time Clock period. When such AUs do not include a child under six in the home, a 30-hour per week requirement applies when using the WTW 24-Month Time Clock. Single-parent AUs with a child under six in the home that include an aided parent living with an ineligible, unaided second parent are subject to a participation requirement of 20 hours per week when using the WTW 24-Month Time Clock.

(All County Letter No. 14-16, February 5, 2014)

101-13

During a recipient's WTW 24-Month Time Clock, unless exempt from participation, an adult recipient in a two-parent assistance unit where there is a second adult in the home who is exempt from welfare-to-work due to a disability shall participate in welfare-to-work activities for an average of at least 30 hours per week during the month.

- (1) The adult recipient may participate in welfare-to-work activities for an average of at 20 hours per week during the month if one of the following conditions are met:
  - (A) There is a child under six in the assistance unit.
  - (B) There is a child under six in the home who is not in the assistance unit but the adult recipient exercises responsibility for the day-to-day care and control of that child.

(§42-711.412(b))

101-14

Two-parent AUs that include an adult who is exempt from WTW due to disability (where the basis for deprivation is incapacity) are considered single-parent AUs for WTW participation during the WTW 24-Month Time Clock period and are required to participate for 20 or 30 hours per week, based on the age of the children. State law [WIC section 11322(a) (2)] only allows a

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two-parent AU to share a 35-hour requirement. Therefore, the 20- or 30-hour requirement cannot be shared between a parent who is required to participate in WTW and the disabled exempt parent. (All County Letter No. 14-16, February 5, 2014)

#### 101-15

Unless exempt from participation, an adult recipient in a two-parent assistance unit whose basis for aid is unemployment shall participate in welfare-to-work activities for an average of at least 35 hours per week during the month. Both parents in a two-parent assistance unit may contribute toward the 35-hour requirement. (§42-711.412(a))

#### 101-16

To be eligible for federally funded child care (under §8350 et seq. of the Education Code), both parents in a two-parent AU shall participate in work activities that will meet the required hours of participation under 42 United States Code §607(c). (W&IC §11322.8(b)) The required hours of participation are currently 55 hours per week.

The 55-hour requirement does not apply to the family if an adult in the family is disabled, caring for a severely disabled child, or if nonfederal funds are used for child care.

(§42-711.412(c))

#### 101-17

"Optional Stepparent" means a stepparent, as defined in Section 80-301(s)(11), who is not the caretaker relative of an eligible child, but has opted into the assistance unit in accordance with Section 82-828.2. (§42-701.2(o)(3))

During the WTW 24-Month Time Clock, the following rules apply to Assistant Units that include an optional stepparent:

- (a) The assistance unit that has no natural or adoptive parent
  - (1) Unless otherwise exempt from participation, the optional stepparent shall participate in welfare-to-work activities for an average of at least 30 hours per week during the month when there is no child under six.
  - (2) The optional stepparent may participate in welfare-to-work activities for an average of at least 20 hours per week during the month if one of the following conditions are met:
    - (A) There is a child under six in the assistance unit.
    - (B) There is a child under six in the home who is not in the assistance unit but the adult recipient exercises responsibility for the day-to-day care and control of that child.

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- (b) The assistance unit that has only one natural or adoptive parent
- (1) At the option of the assistance unit, either the natural or adoptive parent or the optional stepparent shall participate in welfare-to-work activities for an average of at least 30 hours per week during the month.
  - (2) The natural or adoptive parent or the optional stepparent may participate in welfare-to-work activities for an average of at least 20 hours per week during the month if one of the following conditions are met:
    - (A) There is a child under six in the assistance unit.
    - (B) There is a child under six in the home who is not in the assistance unit but the adult recipient exercises responsibility for the day-to-day care and control of that child.
  - (3) Only one adult in the assistance unit can fulfill the minimum average 20- or 30-hour per week requirement.
  - (4) If one adult in the assistance unit is exempt from participation, the other adult must fulfill the minimum average 30-hour per week requirement.
- (c) The assistance unit that has two natural or adoptive parents
- (1) At the option of the assistance unit, one adult alone or in combination with the participation of another adult shall participate in welfare-to-work activities for an average of at least 35 hours per week during the month.
  - (2) Only two adults in the assistance unit can fulfill the minimum average 35-hour per week requirement.
  - (3) If an adult in the assistance unit is exempt from participation, the other adult or adults must fulfill the minimum average 35-hour per week requirement.

(§42-711.41.413)

101-18

#### Assistance units with three or more adults

Some families may include more than two parents in the AU due to the relationship between the adults and children living in the home. AUs that include three (or more) aided parents, where the basis for eligibility deprivation for at least one child in the home is unemployment, are subject to the total 35-hour per week work requirement for two-parent AUs. In this situation, participation hours may be shared by no more than two adults.

(All County Letter No. 14-16, February 5, 2014)

101-19

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#### Single-parent assistance units with a second timed out parent in the home

Once a parent has reached the 48-month limit for CalWORKs cash aid (i.e. has “timed out”) and is removed from the AU, that parent may no longer contribute hours toward meeting the CalWORKs minimum of 35 hours per week for the AU. In cases where the second parent has timed out and the first parent remains in the AU and continues to receive cash aid, the parent remaining in the AU must meet the CalWORKs 35-hour per week minimum participation requirement for two-parent AUs without sharing hours with the timed out parent to meet the requirement.

However, when a CWD receives verified documentation showing that the timed out parent is working or otherwise involved in a federally allowable activity, the hours must be combined with the first parent’s participation hours solely to determine if CalWORKs federal standards are met and have months not count toward the aided parent’s WTW 24-Month Time Clock. The timed out parent’s hours can be the result of that parent’s independent initiative or through involvement of the CWD.

(All County Letter No. 14-16, February 5, 2014; see §42-708.512)

#### 101-19A

#### Families with an aided parent and a sanctioned parent living in the home

When one parent in a two-parent AU is sanctioned, the aided parent must participate to meet the 35-hour per week requirement alone, or be subject to his or her own WTW sanction. Once the sanction is cured, the parents may combine participation hours to meet CalWORKs federal standards or CalWORKs minimum participation requirements.

(All County Letter No. 14-16, February 5, 2014)

#### 101-20

The Welfare-to-Work 24-Month Time Clock is effective January 1, 2013. No months prior to January 1, 2013 shall count toward a welfare-to-work participant’s Welfare-to-Work 24-Month Time Clock. (§42-708.21)

#### 101-20A ADDED

12/15To ensure that CalWORKs adults are receiving the benefits of the WTW 24-MTC, CWDs are to identify currently aided or sanctioned adults (as of the date of this letter) that met all of the following three conditions for any consecutive six-month period between January 1, 2013 and September 30, 2015:

1. The adult(s) was aided;
2. The aided adult(s) had zero hours of participation in a WTW activity; and

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3. The adult(s)' WTW 24-MTC ticked.

For purposes of this inquiry, zero participation hours means that the CWD has no record of the adult having earned income or participating in any WTW activity.

For the adults identified, CWDs are required to (1) identify the population meeting criteria described above, (2) untick months appropriately from the WTW 24-MTC as described below, (3) notify clients of the months unticked from the WTW 24-MTC and, (4) attempt to engage them in WTW activities, if appropriate.

As provided in MPP Section 42-708.3, the WTW 24-MTC should not tick (or should be unticked) for months when the adult is:

- Meeting CalWORKs federal standards.
- Exempt from WTW.
- Sanctioned.
- In good cause status for 50 percent or more of the participation requirement.
- In development of a WTW plan.

The above actions should be taken regardless of whether the adult has time remaining or has exhausted the WTW 24-MTC. Adults who met the criteria described above, but whose WTW 24-MTC was subsequently unticked (and appropriate notice was provided) prior to the date of this letter to account for months in which the adult had zero hours require no action or reporting.

(ACL 15-99, December 1, 2015)

101-21

Months shall begin counting toward a welfare-to-work participant's Welfare-to-Work 24-Month Time Clock the first of the following month after he or she signs a welfare-to-work plan which includes mutually agreed upon welfare-to-work activities and supportive services. (§42-708.22)

101-22

Months count toward an individual's Welfare-to-Work 24-Month Time Clock in a cumulative fashion. (§42-708.23)

101-23

When verification indicates an individual whose welfare-to-work plan is designed to meet CalWORKs federal standards has not met those standards the CWD shall begin counting months toward that participant's Welfare-to-Work 24-Month Time Clock the first of the month following the date the CWD received the verification.

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- The CWD shall inform the participant of the change in status to his or her Welfare-to-Work 24-Month Time Clock.
- Individuals who have not been assessed in accordance with Section 42-711.5 whose welfare-to-work plan consists solely of unsubsidized employment, and who fail to meet CalWORKs federal standards in accordance with Section 42-709.52 shall be referred to assessment and months will not begin counting toward that participant's Welfare-to-Work 24-Month Time Clock until the first of the following month after he or she signs a new welfare-to-work plan.

(§42-708.25)

101-24

Each adult in a two-parent assistance unit has his or her own individual Welfare-to-Work 24-Month Time Clock. Months will count toward the Welfare-to-Work 24-Month Time Clock for each adult in a two-parent assistance unit when the assistance unit meets CalWORKs minimum standards, unless one or both of the participants meet a condition under Section 42-708.3 that would make a month not count toward the Welfare-to-Work 24-Month Time Clock. (§42-708.41 & .411)

101-25

#### The Welfare-to-Work 24-Month Time Clock Applied to Two-Parent Assistance Unit Configurations

(1) Two Mandatory Parents Participating and Sharing Hours

If both parents in a two-parent assistance unit are required to participate in welfare-to-work and are meeting CalWORKs federal standards, months will not count toward either parent's Welfare-to-Work 24-Month Time Clock.

If both parents participate but do not meet CalWORKs federal standards, both parents will have months count toward his or her respective Welfare-to-Work 24-Month Time Clock unless one or both meets a condition under Section 42-708.3 that makes a month not count toward the Welfare-to-Work 24-Month Time Clock.

(2) First Parent is Participating and Second Parent is Excused

If one parent agrees to fully meet the CalWORKs minimum standards for two-parent assistance units, the second parent is excused from welfare-to-work participation and months will not count toward the second parent's Welfare-to-Work 24-Month Time Clock.

(3) First Parent Participating and Second Parent is Exempt (other than an exemption based on a disability)

When one parent has a welfare-to-work exemption that is not based on a disability, the other parent must fulfill the assistance unit's CalWORKs minimum standards, unless the exempt parent volunteers to participate and contribute toward the assistance unit's 35-hour per week participation requirement. Months will not count toward the exempt parent's Welfare-to-Work 24-Month Time Clock.

(4) Two Parents Participating and One Parent is a Volunteer

Exempt and excused second parents may choose to volunteer in welfare-to-work.

Months do not count toward the exempt or excused second parent's Welfare-to-Work 24-Month Time Clock, regardless of whether they choose to volunteer in welfare-to-work.

An exempt or excused parent's voluntary participation may contribute towards meeting CalWORKs federal standards.

Any month that the assistance unit's total participation is such that it meets CalWORKs federal standards will not count toward the mandatory parent's Welfare-to-Work 24-Month Time Clock.

(Handbook §42-708.42)

101-26

Assistance units with three or more adults

- .541 In two-parent assistance units that also include an additional adult or adults, months will count toward the Welfare-to-Work 24-Month Time Clock of the one or two adults contributing hours to meet CalWORKs minimum standards.
- .542 Additional adults who are not contributing hours will be excused from participation in accordance with Section 42-708.326.
- .543 An exempt or excused parent's voluntary participation may, in combination with the participation of one other adult, contribute toward meeting CalWORKs federal standards.
- .544 Any month that the assistance unit's total participation is such that it meets CalWORKs federal standards will not count toward any adult's Welfare-to-Work 24-Month Time Clock.

(§42-708.5)

101-30

Conditions that shall make a month not count toward the Welfare-to-Work 24-Month Time Clock include:

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1. The individual meets CalWORKs federal standards.  
  
Any month during the which a CWD receives verification that indicates an individual has participated in hours and approved activities that meet CalWORKs federal standards, shall be retroactively restored to that individual's Welfare-to-Work 24-Month Time Clock.
2. The individual meets any one of the following conditions:
  - (a) The individual qualifies for a welfare-to-work exemption from participation under Section 42-712.
  - (b) The individual is in a welfare-to-work plan that is designed to meet CalWORKs minimum standards and was excused by his or her CWD from participation in welfare-to-work activities for good cause in accordance with Section 42-713, for at least 50 percent of his or her hourly participation requirement for the month(s).
  - (c) The individual has been identified as a past or present victim of domestic abuse and the CWD has granted a waiver for a month(s) to not count toward the Welfare-to-Work 24-Month Time Clock in accordance with Section 42.713.22.
  - (d) The individual is removed from the assistance unit due to a Welfare to Work sanction pursuant to Section 42-721.4.
  - (e) The individual is participating in the welfare-to-work appraisal process, the assessment process, or job search, or the individual does not have an active welfare-to-work plan and is in the process of developing a plan.
  - (f) The individual is participating in job search or job readiness that meets CalWORKs federal standards.
  - (g) The individual is participating in a welfare-to-work plan where job search accounts for at least 50 percent of the individual's participation hours in a given month. This condition is limited to two months in a 12-month period, and the individual must first exhaust the job search and job readiness allowance specified in paragraph (f).
  - (e) Excused parent. The individual is a second parent in a two-parent assistance unit whose basis for aid is unemployment, who is not required to participate in welfare-to-work activities because the first parent is meeting the required participation hours, or is a parent in an assistance unit that includes an optional stepparent who is not required to participate in welfare-to-work activities because either the stepparent or the natural or adoptive parent is meeting the required participation hours.

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- If the mandatory parent fails to meet the assistance unit's participation requirement, the excused parent will become subject to welfare-to-work participation requirements and his or her Welfare-to-Work 24-Month Time Clock shall begin the first of the following month after he or she signs a welfare-to-work plan which includes mutually agreed upon welfare-to-work activities and supportive services.
- If the excused parent volunteers to participate, months do not count toward his or her Welfare-to-Work 24-Month Time Clock.
- If the mandatory parent is fully meeting the assistance unit's hourly participation requirement and the excused parent is volunteering to participate in welfare-to-work, and if the parents' combined number of hours and activities is such that the assistance unit meets CalWORKs federal standards in a given month, that month will not count toward the mandatory parent's Welfare-to-Work 24-Month Time Clock.

(§42-708.3)

#### 101-40

An individual who has exhausted his or her Welfare-to-Work 24-Month Time Clock who still has time remaining on the CalWORKs 48-month time limit and is unlikely to meet CalWORKs federal standards may request an extension to the Welfare-to-Work 24-Month Time Clock. The individual may present evidence to the CWD that he or she meets any of the following circumstances:

- (1) The individual is likely to obtain employment within six months.
- (2) The individual has encountered unique labor market barriers temporarily preventing employment, and therefore needs additional time to obtain employment.
- (3) The individual has achieved satisfactory progress in an education or treatment program, including adult basic education, vocational education, or a Self-Initiated Program under Section 42-711.54, that has a known graduation, transfer, or completion date that would meaningfully increase the likelihood of his or her employment.
- (4) The individual needs an additional period of time to complete a welfare-to-work activity specified in his or her welfare-to-work plan due to a diagnosed learning or other disability, which would meaningfully increase the likelihood of his or her employment.

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- (5) The individual has submitted an application to receive Supplemental Security Income disability benefits, and a hearing date has been established.
- (6) The individual is a member of a two-parent assistance unit and the other parent has yet to exhaust his or her Welfare-to-Work 24-Month Time Clock. Such an individual may request an extension to the Welfare-to-Work 24-Month Time Clock on the condition that both parents' combined participation will meet CalWORKs minimum standards. An extension granted under this circumstance is limited to the duration of the second parent's Welfare-to-Work 24-Month Time Clock.

(§42-708.721)

101-41

An individual may make the request for an extension to the Welfare-to-Work 24-Month Time Clock by completing the WTW 44 "WTW 24-Month Time Clock Extension Request Form."

When a client verbally requests an extension, the CWD should provide the WTW 44 to the client to complete in order to assist the CWD with identifying any applicable extension circumstance.

(All County Letter No. 15-01, January 9, 2015)

101-42

The extension circumstance for an individual who is a member of a two-parent assistance unit and the other parent has yet to exhaust his or her Welfare-to-Work 24-Month Time Clock is provided on the condition that the AU will meet CalWORKs minimum standards by combining both parents' hours of participation. This extension circumstance allows the two-parent AU to remain subject to the WTW 24-Month Time Clock rather than the AU being subject to CalWORKs federal standards upon expiration of only one parent's WTW 24-Month Time Clock, and prevents the second parent from having to meet CalWORKs minimum standards alone. (All County Letter No. 15-01, January 9, 2015)

101-43

In a two-parent assistance unit, an adult who has exhausted his or her Welfare-to-Work 24-Month Time Clock is excused from participation and will remain on aid when the second adult is the sole participant meeting CalWORKs minimum standards. (§42-711.72)

101-44

Extension circumstances to the Welfare-to-Work 24-Month Time Clock include the availability of an extension for a client who is likely to obtain employment within six months, or has encountered unique labor market barriers temporarily preventing employment, and therefore needs additional time to obtain employment. The CWDs must include county-specific descriptions of these criteria in their written county policies and develop written procedures to ensure consistency when granting Welfare-to-Work 24-Month Time Clock extensions. Examples of these two circumstances include, but are not limited to, the following scenarios.

**Scenario One: Likely to Obtain Employment within Six Months**

A client qualified in forklift operation is applying for a position at a manufacturing warehouse that is scheduled to open in the next six months. This client may be considered as likely to obtain employment within six months.

**Scenario Two: Unique Labor Market Barriers**

Unique labor market barriers temporarily preventing employment may include situations where a primary employer in the local area has closed or moved, such as a factory that has recently shut down operation or relocated out of the area. This would create a significant labor force disruption, particularly in the situation where the industry field of the primary employer required a specialized skill set that may not be easily transferable to a different industry field.

**Scenario Three: Unique Labor Market Barriers**

Unique labor market barriers temporarily preventing employment may also include local or regional natural disasters, such as a drought or freeze, which impact local labor markets in a way that temporarily causes a disruption to the labor force.

(All County Letter No. 15-01, January 9, 2015; see also Handbook §42-708.72(a)(2))

**101-50**

Prior to determining whether an individual meets Welfare-to-Work 24-Month Time Clock extension criteria under Section 42-708.721, the CWD must review the individual's case to ensure an accurate accounting of the Welfare-to-Work 24-Month Time Clock. (§42-708.731)

**101-51**

If a CWD identifies that an individual meets a circumstance for an extension as described in Section 42-708.721 as a result of information already available to the CWD, including the client's welfare-to-work plan and verification of participation, the CWD may grant a Welfare-to-Work 24-Month Time Clock extension to the individual without requiring additional information or a formal request for an extension from the individual. (§42-708.734)

**101-52**

Upon receiving a request for an extension, the CWD shall review the information provided by the client to determine if his or her circumstance meets one of the extension criteria. If the information or evidence provided by the client supports one of the extension criteria, the CWD may approve the client's request for an extension to the WTW 24-Month Time Clock so that the client may complete an activity in his or her current WTW plan or in a revised WTW plan based on the circumstance for which the extension was granted.

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When necessary to make a determination, the CWD may request additional information or evidence of the specified circumstance to be provided by the client. If the CWD determines that the evidence provided does not support the existence of the specified circumstance, the CWD may deny the extension request.

Upon making an extension determination, the CWD must provide the WTW 45: "WTW 24-Month Time Clock Extension Determination" to the client that informs the client whether the request for an extension has been approved or denied, the reason for the approval or denial, and hearing rights. The CWDs must keep copies of the completed forms in the client's case file as verification, whether via electronic means or hard copy.

The CWDs should ensure that the extension request and determination process is completed prior to the end of the 24th month of the client's WTW 24-Month Time Clock. If the client's request for an extension to the WTW 24-Month Time Clock is denied, and the client is not eligible for a WTW 24-Month Time Clock participation exemption, the CWD must proceed with transitioning the client to CalWORKs federal standards.

(All County Letter No. 15-01, January 9, 2015)

101-53

A CWD shall grant an extension to the Welfare-to-Work 24-Month Time Clock to an individual who presents evidence that he or she meets any of the extension criteria under Section 42-708.721, unless the CWD determines that the evidence presented does not support the existence of the circumstances.

An extension to the Welfare-to-Work 24-Month Time Clock requested under the circumstance where the individual has submitted an application to receive Supplemental Security Income disability benefits and a hearing date has been established shall be granted if the individual provides the CWD with evidence that a hearing date has been established.

(§42-708.732)

101-55

In general, at any state hearing in which an individual disputes a CWD's denial of a Welfare-to-Work 24-Month Time Clock extension the CWD shall have the burden of proof to establish that an extension was not justified. (§42-708.733; see also All County Letter No. 15-01, January 9, 2015; All County Letter No. 14-09, February 5, 2014)

101-56

A Welfare-to-Work 24-Month Time Clock extension shall be granted for an initial period of up to six months and shall be reevaluated by the CWD at least every six months. (§42-708.735)

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101-57

Prior to the client reaching the last month of an extension period, the CWD must review the client's circumstance and reevaluate whether the client's circumstance continues to meet one of the extension criteria. The CWD may request additional information to be provided by the client in order to reevaluate the client's circumstance. The CWDs must use the WTW 45 "WTW 24-Month Time Clock Extension Determination" to inform the client of the extension reevaluation determination. If the client's extension reevaluation is denied, the CWD must proceed with transitioning the client to CalWORKs federal standards. (All County Letter No. 15-01, January 9, 2015)

101-58

The Department shall provide each CWD with an estimate of the number of Welfare-to-Work 24-Month Time Clock extensions available to the CWD in accordance with this section.

The estimated number of extensions for each CWD shall be equal to 20 percent of the assistance units in that CWD in which all adult members of the assistance unit have exhausted their Welfare-to-Work 24-Month Time Clock and at least one adult remains eligible for aid under the CalWORKs 48-month time limit. The Department shall estimate the number of assistance units that will meet this criteria in each CWD for each six-month period commencing January 1, 2015, and shall transmit the estimated number of extensions available to each CWD in a manner determined by the Department.

If the number of estimated extensions available for the current six-month period is lower than the prior six-month period and the CWD has already exceeded the new estimate, the CWD shall not rescind extensions already granted to accommodate the lower figure.

Each CWD shall report information regarding the number and percentage of extensions granted.

If a CWD grants more extensions than the number of extensions that was estimated by the Department, the Department may request the CWD to provide additional information including the actual number of assistance units to exhaust the Welfare-to-Work 24-Month Time Clock during that six-month period and factors that contributed to the actual number of extensions granted. Upon receipt of this information, the Department may request the CWD to submit a plan to bring the CWD into compliance with the number of extensions available.

(§42-708.71)

101-60

CWDs are required to provide participants with a written notice informing them of the status of their Welfare-to-Work 24-Month Time Clocks at the following intervals:

1. At the time an individual applies for cash aid
2. At the participant's annual redetermination for cash aid.

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3. At least once between months 18 and 21 on a participant's Welfare-to-Work 24-Month Time Clock.
4. At the time the participant has exhausted his or her Welfare-to-Work 24-Month Time Clock.

The notice shall include all of the following:

1. The number of months remaining on the participant's Welfare-to-Work 24-Month Time Clock.
2. The participation requirements for individuals who have exhausted their Welfare-to-Work 24-Month Clock and that failure to meet those participation requirements may result in the noncompliant adult being removed from the assistance unit.
3. How a participant may dispute the number of months counted toward his or her Welfare-to-Work 24-Month Time Clock.
4. Information on how the participant may modify his or her welfare-to-work plan to meet CalWORKs federal standards.
5. Information on and how to apply for an exemption from welfare-to-work participation and an extension to the Welfare-to-Work 24-Month Time Clock.

(§§42-708.61 &.62)

#### 101-61

When verification indicates an individual who has not exhausted his or her Welfare-to-Work 24-Month Time Clock and whose welfare-to-work plan is designed to meet CalWORKs federal standards has not met those standards, the CWD shall inform the individual as administratively feasible that months will count toward his or her Welfare-to-Work 24-Month Time Clock beginning the month following the date that the CWD verified that he or she was not meeting CalWORKs federal standards. (§42-708.631)

#### 101-62

County Welfare Departments (CWDs) must use the CW 2208 "Your WTW 24-Month Time Clock" informing notice to provide recipients information regarding the number of months remaining on their WTW 24-Month Time Clock, and must provide the CW 2208 to clients at the following periods:

- At application for CalWORKs cash aid, and
- At clients' annual redetermination.

(All County Letter No. 13-12, February 27, 2013)

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101-63

In addition to providing the CW 2208 “Your WTW 24-Month Time Clock” to clients at application for CalWORKs cash aid and at clients’ annual redetermination, CWDs are required to provide written notice to a client at least once between months 18 and 21 of his or her WTW 24-Month Time Clock. CWDs are required to use the WTW 43 “Notice of Your WTW 24-Month Time Clock Ending Soon” for this purpose. The WTW 43 is a required form and no substitute is permitted. The WTW 43 must be provided to clients at least once between WTW 24-Month Time Clock months 18 and 21. As instructed in ACLs 13-12 and 14-09, and pursuant to WIC Sections 11322.85(c) through (e), CWDs are required to provide this notice in order to adequately inform clients of the following:

- The number of months that have counted toward the client’s WTW 24-Month Time Clock;
- How a client may dispute the number of months counted toward the WTW 24-Month Time Clock;
- The requirement to meet CalWORKs federal standards after the client’s WTW 24-Month Time Clock has been exhausted, and what action the CWD will take if the client fails to meet that requirement;
- The client’s ability to modify his or her WTW plan to meet CalWORKs federal standards and continue to receive his or her portion of cash aid;
- The client’s ability to seek a WTW 24-Month Time Clock and participation exemption; and
- The client’s ability to seek an extension of his or her WTW 24-Month Time Clock.

When sending the WTW 43, CWDs must also send the CalWORKs Exemption Request Form (CW 2186A) to provide a client the opportunity to request a CalWORKs 48-month time limit and/or WTW 24-Month Time Clock participation exemption.

The CWDs must keep a copy of the completed notice in the client’s case file as verification that the noticing requirements have been met, as required by WIC Section 1322.85(c) through (e). Additionally, CWDs must discuss the status of a client’s WTW 24-Month Time Clock and the options available to him or her at any other time upon request by the client.

(All County Letter No. 14-65, September 26, 2014)

101-64

In addition to the WTW 43 and the CW 2186A, CWDs must also send the WTW 44 “WTW 24-Month Time Clock Extension Request Form” to clients subject to the WTW 24-Month Time Clock who still have time remaining on the CalWORKs 48-month time limit prior to the exhaustion of the client’s WTW 24-Month Time Clock. This form provides clients with an opportunity to request an extension to the WTW 24-Month Time Clock. (All County Letter No. 15-01, January 9, 2015)

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#### 101-65

A Notice of Action must be issued when the WTW 24-Month Time Clock has been exhausted. Clients must be informed in the last month of the WTW 24-Month Time Clock, as determined based on information possessed by the CWD, that their WTW 24-Month Time Clock will expire at the end of the month.

The required Notice of Action is the "End of WTW 24-Month Time Clock Notice of Action" (NA 1276), which must be sent to the client no later than ten days prior to the expiration of the WTW 24-Month Time Clock. This NOA informs the client that he or she will need to meet CalWORKs federal standards in order to continue receiving cash aid, unless they qualify for more time on their Welfare-to-Work 24-Month Time Clock (an extension), or do not have to do Welfare-to-Work (an exemption), and informs the client that the assistance unit's grant will be reduced if the adult is not meeting CalWORKs federal standards.

(All County Letter No. 15-03, January 9, 2015; All County Letter 14-65, September 26, 2014)

#### 101-70

The CWD shall conduct a review with an individual who is approaching the end of his or her Welfare-to-Work 24-Month Time Clock to determine the individual's welfare-to-work participation status prior to the expiration of the individual's Welfare-to-Work 24-Month Time Clock. This review of an individual's welfare-to-work participation status must include the following:

- (a) Determination of the number of months counted toward an individual's Welfare-to-Work 24-Month Time Clock.
- (b) Review of any welfare-to-work exemption the individual may qualify for in accordance with Section 42-712.
- (c) Review of any Welfare-to-Work 24-Month Time Clock extension the individual may qualify for in accordance with Section 42.708.72.
- (d) Review of the individual's welfare-to-work plan to determine if additional hours or activities will be needed in order for the individual to meet CalWORKs federal standards upon the exhaustion of his or her Welfare-to-Work 24-Month Time Clock.

(§42-708.8)

#### 101-71

CWDs will schedule an End of WTW 24-Month Time Clock Review appointment with the client to review and, if necessary, adjust the client's current WTW plan to conform to post WTW 24-Month Time Clock CalWORKs federal standards.

The CWD will send the client the WTW 46: "End of Welfare-to-Work 24-Month Time Clock Review Appointment Letter" to inform the client of the scheduled End of the WTW 24-Month Time Clock appointment. The notice may be sent concurrently or after the issuance of the

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WTW 43, but no later than the last day of the 23rd month of the client's WTW 24-Month Time Clock, as anticipated based on the most current CWD information. The WTW 46 must be sent with the WTW 44 "WTW 24-Month Time Clock Extension Request Form" to inform and provide the client the opportunity to request an extension to the WTW 24-Month Time Clock.

The End of WTW 24-Month Time Clock Review appointment is intended to be a review of the client's current WTW plan to determine if a future change is needed to comply with CalWORKs federal standards. Therefore, clients with an existing WTW plan will not be considered in the development of a WTW plan upon receiving the WTW 46, and months will continue to count toward the client's WTW 24-Month Time Clock throughout this transition period, unless the client meets another clock stopping condition.

If the CWD does not schedule an appointment before the client's WTW 24-Month Time Clock is exhausted, the client will have good cause for not meeting CalWORKs federal standards commencing with the anticipated end date of the WTW 24-Month Time Clock, based on the most current CWD information, and continuing until the client and CWD have held the End of WTW 24-Month Time Clock Review to determine clock status and agree on any WTW plan changes. In this situation, clients are required to comply with CalWORKs minimum standards in accordance with his or her existing WTW plan until the transition to CalWORKs federal standards is complete.

If the client fails to attend the End of WTW 24-Month Time Clock Review appointment without good cause, or does not contact the CWD to reschedule this appointment in advance, the client may be subject to noncompliance and sanction.

(All County Letter No. 15-03, January 9, 2015)

101-72

The End of the WTW 24-Month Time Clock Review appointment must consist of:

- A review of the client's WTW 24-Month Time Clock status to determine the exact standing of the WTW 24-Month Time Clock. The review will include consideration of documented past, current, and anticipated future participation to determine the expected expiration date of the WTW 24-Month Time Clock. This will require the client and CWD to assess any months that should be retroactively restored or "un-ticked" on the clock, as well as assess the client's expected participation in the remaining month(s) to determine when his or her WTW 24-Month Time Clock will be exhausted.
- A discussion of criteria and determination, to the extent possible, of whether the client qualifies for an exemption from WTW participation.
- A discussion of criteria and determination, to the extent possible, of whether the client qualifies for an extension to the WTW 24-Month Time Clock, as well as providing the WTW 24-Month Time Clock Extension Request Form (WTW 44). The WTW 44 must be sent with the WTW 46, and should be provided at the appointment as well, if needed.

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- Informing the client about any changes needed in his or her WTW plan to align with CalWORKs federal standards and when the changes would take effect. The signed WTW 2 will serve as the written notice of any changes and may be effective when the client exhausts his or her WTW 24-Month Time Clock.

When amending WTW plans to meet post WTW 24-Month Time Clock federal standards, CWDs should:

- Design WTW plan changes to engage clients in activities that meet CalWORKs federal standards as soon as possible after the exhaustion of the client's WTW 24-Month Time Clock. Clients will be granted good cause for not participating in WTW activities that meet CalWORKs federal standards until necessary activities are available. However, clients are required to comply with CalWORKs minimum standards in accordance with his or her existing WTW plan until the transition to CalWORKs federal standards is complete.
- Whenever possible, make WTW plan changes with the client before expiration of the WTW 24-Month Time Clock, ideally at the scheduled End of WTW 24-Month Time Clock Review appointment, to include a future effective date coinciding with the projected exhaustion of the client's WTW 24-Month Time Clock, as anticipated based on the most current CWD information.
- Hold the End of the WTW 24-Month Time Clock Review appointment in-person; however, the appointment may be conducted by phone when necessary.

(All County Letter No. 15-03, January 9, 2015)

#### 101-80

Unless exempt from participation, or having received an extension to the 24-month time clock, an individual who has exhausted his or her Welfare-to-Work 24-Month Time Clock must meet CalWORKs federal standards in order to continue receiving cash aid. (§42-711.71; Handbook §42-709.13)

#### 101-81

In a two-parent assistance unit, an adult who has exhausted his or her Welfare-to-Work 24-Month Time Clock is excused from participation and will remain on aid when the second adult is the sole participant meeting CalWORKs minimum standards. (§42-711.72)

#### 101-82

##### Two-Parent Assistance Unit (AU) Post WTW 24-Month Time Clock Participation Options

Adults in a two-parent AU each have their own individual CalWORKs WTW 24-Month Time Clock, and therefore may reach the 24-month limit simultaneously or at different times.

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Depending on whether one or both parents have exhausted the WTW 24-Month Time Clock, there may be several participation options that will allow both adults to remain on aid.

When both parents in a two-parent AU, where neither parent is exempt, have exhausted the WTW 24-Month Time Clock, one adult alone or both adults combining hours must meet CalWORKs federal standards.

In situations where one adult has exhausted the WTW 24-Month Time Clock before the other, either adult may adjust his or her participation hours in such a way that meets CalWORKs federal standards through one adult's participation hours alone, or the combination of both adults' hours. As a reminder, when one or both adults in the two-parent AU participate to meet CalWORKs federal standards, months will not count on the WTW 24-Month Time Clock for the parent who has months remaining on the 24-month clock.

In accordance with ACL 12-67, any parent that has time remaining on the WTW 24-Month Time Clock may participate in the full array of CalWORKs activities until his or her clock runs out, regardless of the other parent's clock status. Therefore, neither parent will be removed from aid when the parent with months remaining on the WTW 24-Month Time Clock is meeting CalWORKs minimum standards alone, or in combination with the other adult. Adults who have exhausted the WTW 24-Month Time Clock and who are combining hours with the second adult to meet CalWORKs minimum standards will have an extension to his or her time clock for as many months as the second adult has remaining on the WTW 24-Month Time Clock. In situations where the first adult has exhausted his or her WTW 24-Month Time Clock and the second adult participates alone using his or her own WTW 24-Month Time Clock, the first adult will be excused from participation and remain on aid.

In situations where one adult has exhausted his or her WTW 24-Month Time Clock and is not exempt, and the other parent has a non-disability exemption from participation, the adult who is not exempt must meet the 35 total and 30 core hourly participation requirements under CalWORKs federal standards to remain on aid. The exempt parent may volunteer, and those hours may be combined to satisfy the overall and core hourly participation requirements for the AU.

(All County Letter No. 15-03, January 9, 2015)

101-83

Under CalWORKs Federal Standards, unless exempt from participation, an adult recipient in a one-parent assistance unit in which there is not a child under six in the home shall participate in welfare-to-work activities for an average of at least 30 hours per week during the month. An average of at least 20 hours per week of participation must be in core welfare-to-work activities. (§42-709.211)

Under CalWORKs Federal Standards, unless exempt from participation, an adult recipient in a one-parent assistance unit where no other parent or caretaker relative resides in the household

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may participate in welfare-to-work activities for an average of at least 20 core hours per week during the month if one of the following conditions are met:

- (a) There is a child under six in the assistance unit.
- (b) There is a child under six in the home who is not in the assistance unit, but the adult recipient exercises responsibility for the day-to-day care and control of that child.

(§42-709.212)

101-84

Under CalWORKs Federal Standards, unless exempt from participation, an adult recipient in a one-parent assistance unit with a second parent in the home who has exhausted his or her 48-month time limit on cash aid or has been removed from the assistance unit due to a welfare-to-work sanction pursuant to Section 42.721.4 shall participate in welfare-to-work activities for an average of at least 35 hours per week during the month, of which an average minimum of 30 must be in core activities.

- (a) A parent who has exhausted his or her 48-month time limit on cash aid may contribute toward the 35-hour requirement.
- (b) For a parent who has been removed from the assistance unit pursuant to a welfare-to-work sanction, if the noncompliant parent complies by performing the activities he or she previously refused to perform, or by performing another appropriate activity specified by the county, any hours he or she successfully completes shall be considered toward the 35-hour requirement.

(§42-709.213)

101-85

Under CalWORKs Federal Standards, unless exempt from participation, an adult recipient in a one-parent assistance unit with a second parent in the home who has exhausted his or her 48-month time limit on cash aid or has been removed from the assistance unit due to a welfare-to-work sanction pursuant to Section 42.721.4 shall participate in welfare-to-work activities for an average of at least 35 hours per week during the month, of which an average minimum of 30 must be in core activities.

- (a) A parent who has exhausted his or her 48-month time limit on cash aid may contribute toward the 35-hour requirement.
- (b) For a parent who has been removed from the assistance unit pursuant to a welfare-to-work sanction, if the noncompliant parent complies by performing the activities he or she previously refused to perform, or by performing another appropriate activity specified by the county, any hours he or she successfully completes shall be considered toward the 35-hour requirement. (§42-709.213)

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Unless exempt from participation, an adult recipient in a two-parent assistance unit whose basis for aid is unemployment shall participate in welfare-to-work activities for an average of at least 35 hours per week during the month, of which an average of 30 must be in core activities. The remaining hours can be in core or non-core activities. Both parents may contribute toward the 30 core and 35 average total hourly requirements. (§42-709.221)

101-86

"Optional Stepparent" means a stepparent, as defined in Section 80-301(s)(11), who is not the caretaker relative of an eligible child, but has opted into the assistance unit in accordance with Section 82-828.2. (§42-701.2(o)(3))

Under CalWORKs Federal Standards, the following rules apply to Assistant Units that include optional stepparents:

- (a) The parent or caretaker relative resides in the household, but is not in the assistance unit

Unless otherwise exempt from participation, the optional stepparent shall participate in welfare-to-work activities for an average of at least 30 hours per week during the month, of which an average of 20 must be in core activities.

- (b) The assistance unit has only one natural or adoptive parent

At the option of the assistance unit, either the natural or adoptive parent or the optional stepparent shall participate in welfare-to-work activities for an average of at least 30 hours per week during the month, of which an average of 20 must be in core activities.

Only one adult in the assistance unit can fulfill the minimum average 30-hour per week requirement.

If one adult in the assistance unit is exempt from participation, the other adult must fulfill the minimum average 30-hour per week requirement.

- (c) The assistance unit has two natural or adoptive parents

At the option of the assistance unit, one adult alone or in combination with the participation of another adult shall participate in welfare-to-work activities for an average of at least 35 hours per week during the month, of which an average of 30 must be in core activities.

Only two adults in the assistance unit may combine hours to fulfill the minimum and core per week hourly requirements.

If one or more adults in the assistance unit are exempt from participation, the other nonexempt adult or adults, if any, must fulfill the minimum and core hourly requirements.

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- (d) The assistance unit has two natural or adoptive parents and at least one is exempt from welfare-to-work requirements due to a disability

At the option of the assistance unit, either the nonexempt natural or adoptive parent or the optional stepparent shall participate in welfare-to-work activities for an average of at least 30 hours per week during the month, of which an average of 20 must be in core activities.

Only one adult in the assistance unit can fulfill the minimum average 30-hour per week requirement.

If two adults in the assistance unit are exempt from participation, the nonexempt adult must fulfill the minimum average of 30-hour per week requirement.

(§42-709.23)

101-88

Core activities for CalWORKs federal standards include:

- .311 Unsubsidized employment, including self-employment
- .312 Subsidized employment, and including:
  - (a) Grant-based on-the-job training (OJT)
  - (b) OJT
  - (c) Work study
- .313 Work experience
- .314 Community service
- .315 Vocational education that conforms to the following time limit limitation:  
Vocational education as a countable core activity is limited to a 12-month lifetime maximum.
- .316 Job search and job readiness that conforms to the following time limit limitation:
  - (a) Job search and job readiness is limited to four consecutive weeks, not to exceed six weeks in a 12-month period.
  - (b) Job readiness may include any of the following activities:
    - (1) Mental health services
    - (2) Substance abuse services
    - (3) Domestic abuse services

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#### (4) Assessment pursuant to Section 42-711.55

.317 Providing child care to a community service program participant

(§42-709.31)

101-89

Non-core activities for CalWORKs federal standards include:

.321 Job skills training directly related to employment.

.322 Education directly related to employment, when an individual has not achieved a high school diploma or its equivalent.

.323 Satisfactory attendance in a secondary school or in a GED course

(§42-709.32)

101-89A

#### Deeming Core Hours for Community Service and/or Unpaid Work Experience

When an individual participates in community service or unpaid work experience for the maximum hours established in Section 42-716.1(d)(2) and Section 42-716.1(j)(2), respectively, the individual shall be deemed to meeting the core activity requirement. Such individuals must in addition to the actual hours worked in community service or unpaid work experience, participate in additional hours such that his or her total number of actual hours meets the hourly participation requirements. Additional hours may be in core or non-core activities. (§42-709.41)

101-89B

#### Participation in Educational Activity Considerations

Vocational education can fulfill CalWORKs adults' allowable participation for up to three years. Vocational education can count as a federal core activity for a lifetime maximum of 12 months, which would stop the WTW 24-Month Time Clock for up to a year. After 12 months, clients may continue their educational programs, utilizing the WTW 24-Month Time Clock for CalWORKs service flexibility. Once the 12 months of federally countable vocational education and the WTW 24-Month Time Clock are exhausted, education programs may continue as the federal non-core job skills training activity or as education directly related to employment activity, but must be combined with one or more core activities to meet federal work participation requirements.

Clients who already have months counted toward the federal maximum of 12 federal months in their lifetime, do not get a new 12 month period for vocational education beginning January 1, 2013.

(All County Letter No. 12-67, December 21, 2012; All County Letter No. 12-69, December 17, 2012)

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101-89

Vocational education can fulfill CalWORKs adults' allowable participation for up to three years. Vocational education can count as a federal core activity for a lifetime maximum of 12 months, which would stop the WTW 24-Month Time Clock for up to a year. After 12 months, clients may continue their educational programs, utilizing the WTW 24-Month Time Clock for CalWORKs service flexibility. Once the 12 months of federally countable vocational education and the WTW 24-Month Time Clock are exhausted, education programs may continue as the federal non-core job skills training activity or as education directly related to employment activity, but must be combined with one or more core activities to meet federal work participation requirements.

Clients who already have months counted toward the federal maximum of 12 federal months in their lifetime, do not get a new 12 month period for vocational education beginning January 1, 2013.

(All County Letter No. 12-67, December 21, 2012; All County Letter No. 12-69, December 17, 2012)

102-1

Every individual receiving aid is required to participate in welfare-to-work activities as a condition of eligibility, unless excused or exempt from participation. (W&IC §11320.3(a); §42-712.1)

102-1A ADDED

8/12Any individual who is not required to participate may volunteer to participate in welfare-to-work activities and may end that participation at any time without loss of eligibility for aid, provided his or her status has not changed in a way that requires participation. (§42-712.5)

102-3

The following individuals are excused from participation in welfare-to-work activities:

- .11 An individual who is required to participate in, is participating in, or is exempt from, the Cal-Learn Program described in Sections 42-762 through 42-769. These individuals are subject to Cal-Learn Program requirements in lieu of the welfare-to-work requirements, while the Cal-Learn Program is operative.
- .12 A second parent in a two-parent assistance unit, whose basis for aid is unemployment, who is not required to participate in welfare-to-work activities because the first parent is meeting the required participation hours described in Section 42-711.412.
- .13 A non-minor dependent is exempt if he/she meets one or more of the following requirements:
  - (a) Enrolled in and working towards completing high school or an equivalency program.

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- (b) Enrolled at least half-time in post-secondary or vocational school, or enrolling for the next available term.
  - (c) Participating in a program or activity that promotes or removes barriers to employment.
  - (d) Employed at least 80 hours per month.
  - (e) Incapable of enrollment or participation in school or employment due to a documented medical (physical, mental, or emotional) condition.
- .14 A parent in an assistance unit that includes an optional stepparent who is not required to participate in welfare-to-work activities because either the stepparent or the natural or adoptive parent is meeting the required participation hours described in Sections 42-711.413 (b) or (c), respectively.

(§42-712.1)

#### 102-4

In general, exemptions from WTW occur when:

- The individual is under 16 years of age.
- The individual is 16, 17, or 18 years of age and is attending a school in grade twelve or below, or vocational, or technical school on a full-time basis.
- The individual is receiving aid in their parent's Assistance Unit (AU), and is eligible for, participating in, or exempt from the Cal-Learn program.
- The individual is receiving aid in their own AU, and is eligible for, participating, or exempt from the Cal-Learn program.
- The individual who reaches age 60 or older.
- The individual has medical verification of a physical and/or mental disability expected to last at least 30 days and it significantly impairs the individual's ability to be employed or participate in WTW activities.
- The individual is a Non-Parent caretaker relative who has primary responsibility for caring for a child who is either a dependent, ward of the court, receiving Kin-GAP benefits or at risk for placement in foster care. These caretaking responsibilities must impair his/her ability to be employed or to participate in WTW activities.
- The individual is caring for an ill or incapacitated person residing in the home, has medical verification that the illness or incapacity is expected to last at least 30 days, and caretaking responsibility impairs the individual's ability to be regularly employed or to participate in WTW activities.
- The individual is a woman who is pregnant with medical verification that the pregnancy impairs her ability to be regularly employed or participate in WTW activities, or the county determines that participation will not readily lead to employment or that a training activity is not appropriate.
- The individual has primary responsibility for personally providing care to a child from birth to 23 months, inclusive. This exemption shall be available in addition to any other child related exemption outlined below. An individual may be exempt only once in a lifetime under this exemption.

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- The individual is caring for a child six months of age or younger. County may lower age to 12 weeks, or extend the age to one year depending on availability of child care and/or job opportunities. An individual may be exempt only once in a lifetime under this exemption.
- Subsequent Exemption: The individual is caring for a child 12 weeks of age or younger. County may extend the age to six months depending on availability of child care and job opportunities.
- The individual has responsibility for personally providing care for one child between 12-23 months age or two or more children less than six years of age. This exemption is no longer available for clients to use as of January 1, 2013.
- The individual is a full-time volunteer in the Volunteers in Services to America (VISTA) Program
- The individual is a past or present victim of domestic abuse.
- The individual has good cause for not participating in WTW.

(All County Letter 12-67, December 21, 2012; §42-712)

102-5

#### Exemption Based on Age Under 16

In general, an individual under 16 years of age is exempt from welfare-to-work participation. (W&IC §11320.3(b)(1); §42-712.411)

102-6 REVISED 6/04

#### Exemptions Based on School Attendance

In general, a 16, 17 or 18 year old child attending an elementary, secondary, vocational or technical school on a full-time basis is exempt from welfare-to-work participation. (W&IC §11320.3(b)(2); §42-712.421)

A person who is 16 or 17 years old, and certain custodial parents who are 18 or 19 years old (who received an exemption for caring for a child under six) shall not requalify for this exemption once having lost it. (W&IC §§11320.3(b)(2), 11325.3(d), 11325.25; §42-712.421)

An individual 16 or 17 years old who has obtained a high school diploma or equivalent, and is enrolled in or planning to enroll in postsecondary educational, vocational or technical school training program also is exempt from welfare-to-work participation. (§42-712.422)

102-7

#### Exemption Based on Disability

A person who has a disability which is expected to last for at least 30 days, and which significantly impairs the person's ability to be regularly employed or participate in welfare-to-work activities, shall be exempt from welfare-to-work participation. There must be a doctor's verification of the disability, its expected duration, and the extent of the impairment, and the

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person must actively seek appropriate medical treatment. (W&IC §11320.3(b)(3)(A); §42-712.44)

102-8

### CalWORKs Disability Exemptions

#### General Information

The Welfare and Institutions Code (WIC) §11320.3 states that a client who has a verified disability is exempt from WTW participation when the following conditions exist:

- The disability is expected to last at least 30 calendar days.
- The disability significantly impairs the client's ability to be regularly employed or participate in WTW activities.
- The client is actively seeking appropriate medical treatment.

The CWDs are reminded that clients must provide verification from a doctor, defined by the CDSS Manual of Policies and Procedures (MPP) as a health care professional who is licensed by a state to diagnose/treat physical and mental impairments that can affect an individual's ability to work or participate in WTW activities (MPP §42-701.2, subdivision(d)(2)). The CDSS definition of state refers only to states within the United States.

The verification must: (1) identify the existence of a disability, (2) include the expected duration of the disability, and (3) include the extent to which the disability impairs the client's ability to be employed and/or participate in WTW activities (MPP §42-712.442, subdivision (a)). Any month in which a client is exempt from WTW participation due to a verified disability shall not count toward the client's WTW 24-Month Time Clock or CalWORKs 48-month time limit (WIC §11320.3, 11322.85, and 11454.5; MPP §42-302.21).

#### Requests for CalWORKs Disability Exemptions

Requesting a disability exemption from WTW participation, the WTW 24-Month Time Clock, and the CalWORKs 48-month time limit is a single process. A client may request an exemption verbally or in writing (MPP §42-302.3). This can be done at application, on a Semi Annual Eligibility Status Report (SAR 7, Question #13), or as an informal written or verbal report to the CWD at any time.

When a client informs the CWD of a disability that is impairing his or her ability to be regularly employed or participate in WTW activities, the CWD shall document the situation in the client's case file and explain to the client that medical verification is necessary to process his or her request. The CWD then must provide the client with the CalWORKs Exemption Request Form (CW 2186A) and the Authorization to Release Medical Information (CW 61) in order for the client to complete his or her request (MPP §42-302.3).

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The client may use the CW 61 or provide other medical verification which (1) states that the client has a disability, (2) includes the beginning date and expected duration of the disability, and (3) includes the extent to which the disability impairs the client's ability to be employed and/or participate in WTW activities. The client must also submit verification that he or she is seeking appropriate medical treatment for the disability. If the recipient prefers that the county obtain this information on the client's behalf, the CWD shall have the recipient sign a release that is compliant with the Health Information Insurance Portability and Accountability Act (HIPAA).

#### Granting CalWORKs Disability Exemptions

When a CWD receives a completed CW 2186A and the required disability verification components, the CWD must grant the disability exemption for WTW participation requirements, the WTW 24-Month Time Clock and the CalWORKs 48-month time limit as indicated by the required verification, and prospectively for as long as the disability and treatment continues to exist and can be verified.

If the client's condition impaired his or her ability to be employed or participate in WTW activities and the client provides verification that they were actively seeking treatment prior to the exemption request date, the exemption must be granted retroactively for the months that verification is provided.

If there is a delay in granting the exemption due to reasons outside of the client's control (i.e. delay on the part of an examining doctor to provide the necessary information or CWD error), and during the delay the client's condition impaired his or her ability to participate in WTW activities, at the time all proper verification is submitted, retroactivity must also be applied based on the date the client began treatment for the disability. In these situations, the client's CalWORKs 48-month time limit and WTW 24-Month Time Clock should be adjusted accordingly.

If granting of the disability exemption results in the client no longer being sanctioned and being added back into the Assistance Unit (AU), the client must receive underpayments for those sanctioned months which he or she was verified as qualifying for the disability exemption. Months that were not counted towards the client's WTW 24-Month Time Clock and CalWORKs 48-month time limit (WIC §11454 and 11322.85) due to sanction, remain uncounted due to the disability exemption.

#### Noticing Clients of Approval/Denial of CalWORKs Disability Exemptions

The CWD shall inform the client of the approval or denial of the requested exemption using the CalWORKs Exemption Determination Form (CW 2186B) no later than 15 calendar days after receipt of the exemption request. This written notification shall state whether the request was granted or denied, and, if denied, the specific reason for the basis of the denial must be included on the form (MPP §42-302.34). The specified response time may be exceeded in situations where completion of the determination is delayed because of circumstances beyond the control of the CWD, including delay on the part of the examining doctor to provide the

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necessary information. When these situations occur, CWDs are instructed to document in the case file the cause for the delay (MPP §42-302.32).

If granting the exemption, the CWD must provide the client with the Your Welfare-to-Work 24-Month Time Clock notice (CW 2208) to inform him or her of any necessary adjustments to the WTW 24-Month Time Clock. The CWD must also provide a Notice of Action (NOA) that informs the client of any necessary adjustments to the CalWORKs 48-month time limit.

#### CalWORKs Exemption Reevaluations

A client's exemption shall be reviewed at the time the condition is expected to end, or sooner if there is reason to believe that the client's condition has changed or improved to a point where he or she may no longer qualify for the disability exemption (MPP §42-712.443).

For cases in which the client's doctor has stated in writing that the condition is permanent or chronic with no end date, the CWD shall establish an appropriate re-evaluation time period. It is recommended this re-evaluation occur at a minimum annually (i.e. at redetermination), and the CWD assist the client in exploring more permanent disability assistance options such as Supplemental Security Income (SSI).

Although the CW 2186B notice provides the start and end dates of the exemption to the client, as a best practice, CDSS recommends CWDs contact the client with a reminder, allowing the client a reasonable amount of time to submit any verification of continued exemption eligibility before the exemption is scheduled to end. When the client does not qualify for a continued exemption, the county shall attempt to engage the client in work or appropriate WTW activities prior to beginning the non-compliance process.

(All County Letter No. 15-08, January 21, 2015)

102-9

#### Exemption Based on Age 60 or Older

A person who is of "advanced age" shall be exempt from welfare-to-work participation. (W&IC §11320.3(b)(3)(B)) Advanced age has been defined by the CDSS as 60 years or older. (§42-712.43)

102-10

#### Exemption Based on an Aided Nonparent Relative Caring for a Child Who Is a Dependent or Ward of the Court, a Child Who is Receiving Kin-GAP Benefits, or a Child at Risk of Placement in Foster Care

A nonparent caretaker relative with primary responsibility for providing care for a child who is a dependent or ward of the court, a child who is receiving Kin-GAPGAP benefits, or whom the county determines is at risk for Foster Care placement, is exempt from welfare-to-work participation. The exemption applies when the county has determined that the caretaker relative

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provides caretaking responsibilities which are beyond those considered normal day-to-day parenting responsibilities, and impairs the caretaker's ability to be regularly employed or to participate in welfare-to-work activities. (W&IC §11320.3(b)(4); §42-712.45)

102-11

#### Exemption Based on the Care of an Ill or Incapacitated Member of the Household

In general, a person whose presence in the home is required because of illness or incapacity of another member of the household is exempt from welfare-to-work participation. The person's ability to be regularly employed or to participate in welfare-to-work activities must be impaired for the exemption to apply. (W&IC §11320.3(b)(5); §42-712.46)

102-12

#### Exemption Based on Care of a Child Six Months of Age or Under

In general, a parent or other relative who has primary responsibility for personally providing care to a child six months of age or under is exempt from welfare-to-work participation. This specific one-time exemption may be reduced to the first 12 weeks, or increased to the first 12 months, after the birth or adoption of the child. The reduction or increase is made on a case-by-case basis, using county developed criteria. (W&IC §11320.3(b)(6)(A)(i); §42-712.471)

An individual who has received this exemption shall be exempt for a period of 12 weeks upon the birth or adoption of subsequent children. The county, using criteria it has developed, may extend this period to six months, on a case-by-case basis. (W&IC §11320.3(b)(6)(A)(ii); §42-712.472)

102-13

In determining whether to extend the period of exemption from welfare-to-work for a person providing care to a child of 6 months of age or less, the following may be considered:

1. The availability of child care.
2. Local labor market conditions.
3. Other factors determined by the county.

(W&IC §11320.3(b)(6)(A)(iii); §42-712.472(b)(1)(A))

102-14

#### Former Exemption Based on Care of One Child who is From 12 to 23 Months of Age, inclusive, or Two or More Children who are Under Six Years of Age

For the period July 29, 2009 through December 31, 2012, the parent or other relative who had primary responsibility for personally providing care to one child who is from 12 to 23 months of age, inclusive, or two or more children who are under six years of age, was exempt from

welfare-to-work participation. This exemption became inoperative on January 1, 2013. (§42-712.474)

102-15

The short-term young child exemptions from WTW activities for a parent or caretaker relative who had primary responsibility for personally providing care to one child who is from 12 months through 23 months of age, or at least two children who are under six years of age, was available through December 31, 2012, and is no longer available as of January 1, 2013. Clients granted these exemptions were not required to participate in WTW and do not have months count against the new WTW 24-Month Time Clock until they are reengaged. (All County Letter No, 12-72, December 20, 2012.)

102-16

Exemption Based on Care of One Child from Birth to 23 Months

The parent or other relative who has primary responsibility for personally providing care to one child from birth to 23 months, inclusive, is exempt from welfare-to-work participation. This exemption became effective as of January 1, 2013. An individual shall be eligible for this exemption only one time under the CalWORKs Program. (§42-712.475) This exemption shall be available in addition to any other care of a child exemption. (W&IC §11320.3(b)(6)(A)(iv))

102-17

ACL 12-72 provided information regarding the young child exemption created under SB 1041. This exemption is a one-time young child WTW participation exemption for a parent or caretaker relative who has primary responsibility for personally providing care to one child from birth through 23 months of age. This exemption is a once-in-a-lifetime option and is at the discretion of the client. This means that a client who has a child between zero and 23 months of age on January 1, 2013 has the option to reserve his or her right to use it for the caregiving of a future child (or to exercise it at a later date with respect to that existing child). (All County Information Notice No. I-31-13, June 25, 2013)

102-18

**Question:** Are clients who have used the one-time exemption eligible to use the existing Welfare-to-Work (WTW) participation exemptions for providing care of children under Manual of Policies and Procedures (MPP) Section 42-712.47 for subsequent children?

**Answer:** Yes. The existing WTW exemption for a parent caring for one child age six months or under is still available. On a case-by-case basis, a county can reduce this time to 12 weeks, or extend this time to 12 months. For subsequent children, a 12-week WTW exemption remains available as well. On a case-by-case basis, this can be extended to six months. County Welfare Departments (CWDs) must continue to offer these WTW exemptions to parents with children who meet these criteria.

For example, a client's new one-time young child exemption is scheduled to expire in December 2013 when the child turns two, at which time they will have been exempt for 11 months. In July 2014, the same client has another child. Even though the client did not use all 24 months of the exemption, because their child was 12 months of age at the time they took the exemption, they cannot receive the new one-time young child exemption again. However, the new child entitles the client to receive a WTW exemption for twelve weeks to 12 months, depending on their CWD's policy, and whether the parent has already used this one-time exemption under Welfare and Institutions Code section 11320.3, subdivision (b)(6)(A)(i).

(All County Letter No. 13-52, July 16, 2013 Question 4)

102-19

**Question:** Can both clients in a two-parent Assistance Unit (AU) receive the one-time young child exemption? For example, mom receives the exemption for child A and then has child B, can dad get the exemption as well?

**Answer:** Yes. In two-parent AUs, each client is entitled to receive this exemption one-time for the qualifying child. However, the clients may not receive the exemption at the same time. In this scenario, dad would only be eligible if mom was no longer receiving this exemption.

(All County Letter No. 13-52, July 16, 2013 Question 9)

102-20

Exemption Based on Pregnancy

In general, a pregnant woman whose pregnancy impairs her ability to be regularly employed or to participate in welfare-to-work activities, is exempt from welfare-to-work participation. Medical verification must exist to establish these limitations.

Additionally, the county may exempt the pregnant woman if participation will not readily lead to employment, or if a training activity is not appropriate. (W&IC §11320.3(b)(8); §42-712.48)

102-21

The existing exemption from WTW participation based on pregnancy under MPP Section 42-712.48 is available for a woman when it has been medically verified that the pregnancy impairs her ability to be regularly employed or participate in WTW activities. The CWD may also determine that participation will not readily lead to employment or that a training activity is not appropriate for a woman with a medically-verified pregnancy.

A pregnant woman can also be excused from WTW participation for good cause for temporary illness. As described in MPP Section 42-713.1, a client shall be excused from participation in WTW activities for good cause when the CWD determines there is a condition or other circumstance that temporarily prevents, or significantly impairs, the client's ability to be regularly employed or to participate in WTW activities. The CWD is required to review the good cause

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determination as necessary but at least every three months according to MPP Section 42-713.11.

According to MPP Section 42-708.321, months in which a client has a pregnancy related exemption do not count towards her WTW 24-Month Time Clock, but months will continue to count toward her CalWORKs 48-month time limit. A month in which a pregnant client is given good cause for not participating in WTW activities for at least 50 percent of her hourly work participation requirement will not count toward her WTW 24-Month Time Clock as described in MPP Section 42-708.322. However, months will continue to count toward her CalWORKs 48-month time limit as described in MPP Section 42-713.4.

If it has been verified by a doctor that the pregnancy significantly impairs the woman's ability to regularly work or participate in WTW activities for at least 30 days, the disability exemption from WTW participation is also available under MPP Section 42-712.44. As described in MPP 42-712.442(a), the verification must identify the existence of a disability, include the expected duration of the disability, and include the extent to which the disability impairs the client's ability to be employed and/or participate in WTW activities. The disability exemption stops both the WTW 24-Month Time Clock as described in MPP Section 42-708.321, and the CalWORKs 48-month time limit as described in MPP Sections 42-712.62 and 42-302.21(a). refer to ACL 15-08 for further guidance on disability exemptions.

If a pregnant woman is eligible for more than one of the options described above, the CWD is encouraged to determine which option is best suited for that client's particular circumstances and the anticipated duration of those circumstances.

(All County Information Notice No. I-38-15, June 3, 2015)

102-22

#### Exemption Based a Full-Time Volunteer in the Volunteers in Service to America

An individual is exempt from WTW participation if he/she is a full-time volunteer in the Volunteers in Service to America (VISTA) program. The exemption is documented by a copy of a Domestic Volunteer Earnings Statement or a written verification from the VISTA sponsor or the Federal Regional IX ACTION/VISTA Office. (§42-712.49)

102-23

A recipient shall be excused from participation in welfare-to-work for good cause when the county determines there is a condition or circumstance which temporarily prevents or significantly impairs the person's ability to be regularly employed or to participate in welfare-to-work activities. The county shall review this good cause determination at least every three months. The recipient shall cooperate by providing information, including written documentation, as required to complete the review. (W&IC §11320.3(f); §42-713.1)

102-24 REVISED 4/10

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Good cause for not participating in welfare-to-work activities include, but are not limited to, any of the following:

- a. Lack of necessary supportive services.
- b. The person is a victim of domestic abuse, when participation is detrimental to, or unfairly penalizes, the person or the person's family.
- c. Licensed or license-exempt child care is not "reasonably available" during the individual's hours of training or employment, including commuting time, or arrangements have broken down or been interrupted, for children 10 years old or younger, for a child 11 years of age or older (when described in §§47-201.22 or .23), or for a foster care or SSI recipient child.

(§42-713.2)

102-25 Added

1/13 Clients who receive good cause from WTW participation for lack of funding for supportive services will not have months counted against their CalWORKs 48-month time limit through December 31, 2012. On January 1, 2013, counties can continue to grant good cause from WTW participation to clients for lack of supportive services; however, this will no longer exempt months from a client's 48-month time limit. (All County Letter No. 12-72, December 20, 2012)

102-26 ADDED

4/12 Good cause for a person who is a victim of domestic violence is to be determined on a case by case basis but only for as long as domestic abuse prevents the individual from obtaining employment or participating in welfare-to-work activities. (§42-713.22)

103-1

As a result of AB 74, effective January 1, 2014, there is a change to the up-front sequence of WTW activities, known as the WTW flow. In most instances, the WTW flow prior to AB 74 required a test of the job market prior to an individual being evaluated for mental health, substance abuse, domestic abuse services, and/or provided a vocational/educational assessment. Job search and job club were used to test the job market, and would also provide additional information about whether the individual was in need of more intensive barrier removal services and/or a full assessment.

AB 74 altered the WTW flow by allowing for individuals to bypass a job market test if, through appraisal, the individual is identified as having potential barriers to employment which would warrant more in-depth barrier removal evaluation or vocational/educational assessment. These modifications are intended to enable WTW participants to better access the flexible participation and service options available through the WTW 24-Month Time Clock. They are also intended to improve CWDs ability to identify individuals who are in need of more in-depth barrier removal services, including those available through the Family Stabilization program, and to increase

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participants' opportunities to reach self-sufficiency through work and educational opportunities. These changes will assist CWDs efforts to improve participation in the CalWORKs program.

In order to identify individuals who would be better served by more intensive barrier removal services and/or assessment, AB 74 also required the California Department of Social Services (CDSS) to develop a standardized appraisal tool to be used by all CWDs to assess an individual's strengths and barriers to work activities and to further support the individual's path towards self-sufficiency. This tool is the Online CalWORKs Appraisal Tool (OCAT).

"Barrier" refers to any situation that may impair an individual's ability to participate in WTW activities. Barriers may include, but are not limited to: conditions or situations which qualify an individual for a WTW exemption, mental health or substance abuse issues, or domestic abuse situations. Whether a barrier qualifies an individual for a WTW exemption, or can be addressed through WTW activities or supportive services, is determined by the CWD.

(All County Letter No. 15-09, January 27, 2015)

#### 103-2

After aid has been granted, recipients who are not exempt from welfare-to-work participation shall participate in welfare-to-work activities in the following sequence:

1. Orientation
2. Appraisal
3. Initial Engagement Activities, which may include job search, or Family Stabilization, or substance abuse services, or mental health services, or domestic abuse services.
4. Assessment
5. Welfare-to-Work Plan and Universal Engagement in work activities.

(W&IC §11320.1; §§42-711.5 & .6)

#### 103-3

If an individual returns to the Welfare-to-Work Program after not receiving aid for six months, he or she shall be treated as a new participant for the purposes the welfare-to-work activities sequence. This section does not apply to an individual who is removed from the assistance unit due to sanction as described in Section 42-721.4, has his or her needs removed from the assistance unit's grant due to penalty as described in Section 40-105, or was ineligible to receive CalWORKs as described in Section 20-353. (§42-711.513)

#### 103-4

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Prior to the appraisal, the CWD shall provide orientation, that informs the individual in writing of the following:

- (a) The requirement to participate in available welfare-to-work activities and the required number of participation hours.
- (b) A general description of the welfare-to-work program, including available activity components and supportive services, including child care.
  - (1) Information regarding child care shall include the following:
    - (A) For an individual to receive child care, he or she must request and be determined eligible for the services:
    - (B) Payments for child care services cannot be made for care provided more than 30 calendar days prior to the applicant's or recipient's request for child care.
    - (C) The individual is responsible for any child care services received prior to the 30-calendar-day period.
- (c) A general description of the rights, duties, and responsibilities of the participants, including the following:
  - (1) A list of the exemptions from the required participation;
  - (2) The consequences of a failure or refusal to take part in the program activity(ies), and the criteria for successful completion of the program;
  - (3) A description of good cause criteria for noncooperation;
  - (4) The right to request a state hearing or file a formal grievance;
  - (5) The right to a third-party assessment.
- (d) A statement that the participant has the following grace periods:
  - (1) Three (3) working days after the completion of the welfare-to-work plan or subsequent amendments to the plan to evaluate, and request changes to, the terms of the plan.
  - (2) Thirty (30) days from the beginning of the initial training or education assignment activity to request a change or reassignment to another activity.
- (e) School attendance requirements for children in the assistance unit.

(§42-711.522)

## 103-5

During the appraisal, the individual shall provide relevant information the CWD requires in order to assign welfare-to-work activities appropriately, which shall include, but is not limited to, information relating to all of the following:

- (a) Employment history, interests, and skills;
- (b) Educational history, interests, and skills;
- (c) Learning disabilities as described in Section 42-711.58;
- (d) Housing status and stability;
- (e) Language barriers;
- (f) Physical and behavioral health, including, but not limited to, mental health and substance abuse issues;
- (g) Child health and well-being;
- (h) Criminal background that may present a barrier to employment or housing stability;
- (i) Past or present domestic abuse issues, as described in Section 42-715;
- (j) The need for supportive services, as described in Section 42-750; and
- (k) Any other information that may affect an individual's ability to participate in work activities.

(§42-711.523)

## 103-6

Per §§42-711.522(c)(5) and 42-711.556, counties must inform participants in writing, prior to or during appraisal, of the right to be automatically referred to a third party assessment when the participants do not agree with the results of their assessments. Counties should include this information in the WTW handbook that they give to clients to ensure that clients are informed of this right. This referral must occur whether or not a county has properly informed the client of his/her right to a third party assessment, in accordance with §42-711.522(c)(5). The recipient is not required to request a third party assessment; the county must make the referral if the client informs the county that he/she is dissatisfied with the assessment. This WTW 1, Welfare To Work Plan Rights and Responsibilities Form, informs participants of this right. The Department also requires this statement to be on any State-approved substitute form for the WTW 1 that is used by counties. (All-County Letter No. 02-03, January 18, 2002)

## 103-7

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All appraisals shall be conducted using a statewide standard appraisal tool provided by the Department.

- (a) If information from the appraisal indicates that the individual may qualify for a welfare-to-work exemption as described in Section 42-712, or Family Stabilization as described in Section 42-749, the CWD shall evaluate the individual before requiring further participation.
- (b) At any time during the appraisal process a recipient may be identified as needing domestic abuse services. This need for services shall be evaluated and services provided pursuant to Section 42-715.2.

(§42-711.525)

103-8

#### The Online CalWORKs Appraisal Tool

The standardized Online CalWORKs Appraisal Tool (OCAT) and will be available for use beginning April 2015 and shall be used for all new appraisals beginning once county staff has been trained in its use. By October 1, 2015, all CWDs are expected to have OCAT fully implemented within their county.

#### The OCAT Appraisal

The OCAT is designed for use during the WTW participant's initial appraisal. The WTW appraisal is intended to evaluate a client's employment and education history, and identify any barriers to self-sufficiency that can be addressed through WTW activities and supportive services.

Included in the OCAT appraisal is a learning needs section. This section is identical to the current WTW Learning Needs Screening (WTW 18). Offering and conducting a separate screening with the WTW 18 is not required or necessary if the client is offered and/or completes the screening in OCAT.

The OCAT will generate a summary of the client's appraisal and a set of recommendations and supportive service needs for the client. The recommendations may include evaluation for family stabilization, Self-Initiated Programs, WTW exemptions, job search, and/or an assessment for education/training. These recommendations are to be used to determine the next best step for the client in the WTW process, as described in ACL 15-09. In the case of possible exemptions or family stabilization referrals, these recommendations from OCAT must be evaluated immediately to determine if an exemption from WTW is necessary or if family stabilization services are needed.

#### Clients with Language Barriers

For clients with language barriers, such as limited English proficiency, the complete OCAT appraisal may not be appropriate. At this time, OCAT is only available in English. Clients with

limited English proficiency or requiring English as a Second Language services should be immediately referred to evaluation for services to address those barriers. Assistance by a translator may be used to complete the demographic, job history, and education history sections of the tool. However, translation may not be appropriate for sensitive sections of the tool, such as mental health or domestic abuse.

In those instances, clients must be referred directly to the appropriate evaluations rather than using OCAT for screening if the county has a reasonable belief that the evaluation is necessary.

As stated in Manual of Policies and Procedures (MPP) Section 42-722.32, a client cannot be given a learning disabilities screening and/or evaluation in a language other than the client's primary language. The WTW Learning Needs Screening (WTW 18) is the only learning disabilities screening tool that can be used for CalWORKs WTW participants, and it cannot be translated or used with an interpreter, as it has only been validated for use in English. Since the OCAT learning needs screening is the same as the WTW 18, the OCAT learning needs screening shall not be used in any language other than English, as the WTW 18 is only valid for use in English. Counties cannot use a learning needs screening tool that is not validated for use in a participant's primary language

#### Clients with a Break in Aid

If a client has a break in aid for an extended period of time, his or her circumstances may have changed since his or her initial OCAT appraisal. If the county believes that the client's circumstances have changed significantly since conducting the initial OCAT appraisal, the CWD may conduct a new OCAT appraisal. At a minimum, a new OCAT appraisal must be given if a client returns from a break in aid that exceeds six months.

#### Existing Clients and OCAT

While counties transition into using OCAT, many current clients will not have been appraised using OCAT. CWDs may conduct OCAT appraisals with these clients if doing so will assist in identifying barriers that were not previously identified or if there is evidence that past WTW activities completed by the client were not beneficial in moving them toward self-sufficiency.

(All County Letter No. 15-43, April 17, 2015)

#### 103-8A ADDED

7/15 For clients with language barriers, such as limited English proficiency, the complete OCAT appraisal may not be appropriate. At this time, OCAT is only available in English. Clients with limited English proficiency or requiring English as a Second Language services should be immediately referred to evaluation for services to address those barriers. Assistance by an interpreter may be used to complete the demographic, job history, and education history sections of the tool. However, interpretation may not be appropriate for sensitive sections of the tool, such as mental health or domestic abuse. In those instances, clients must be referred directly to the appropriate evaluations rather than using OCAT for screening if the county has a reasonable belief that the evaluation is necessary. (ACL 15-43)

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#### 103-8B ADDED

7/15 If the county believes that the client's circumstances have changed significantly since conducting the initial OCAT appraisal, the CWD may conduct a new OCAT appraisal. At a minimum, a new OCAT appraisal must be given if a client returns from a break in aid that exceeds six months. (ACL 15-43)

#### 103-8C ADDED

10/15 Individuals must participate in the appraisal process, but cannot be sanctioned for not answering questions in OCAT. Many sections of OCAT address sensitive topics, which a client may not be comfortable disclosing, and cannot be compelled to answer. A client shall be considered compliant with the appraisal process even if he or she does not wish to disclose answers to specific questions in the OCAT.

All County Letter 15-69 (September 17, 2015)

#### 103-9

Unless the CWD determines that another initial engagement activity is appropriate all recipients shall participate in job search

If the individual is evaluated and granted Family Stabilization in accordance with Section 42-711.525(a), he or she shall participate in Family Stabilization as the initial engagement activity.

If the CWD determines that substance abuse services, mental health services, or domestic abuse services described in Section 42-715 are appropriate for an individual, he or she shall participate in those services as the initial engagement activity.

(§42-711.531)

#### 103-10

If the CWD determines that job search will not be beneficial and that the individual is not in need of Family Stabilization, substance abuse services, mental health services, or domestic abuse services, he or she shall immediately be referred to assessment and is not required to complete an initial engagement activity.

If the CWD determines that the individual would benefit from education or training activities in place of initial engagement activities, he or she shall immediately be referred to assessment and shall not complete an initial engagement activity.

(§42-711.533)

#### 103-11

Initial engagement activities may be assigned in sequence or concurrently within a period of four consecutive weeks and throughout any extension approved by the CWD in accordance with Section 42-711.534(d) or .536(a)(1). (§42-711.532)

103-12

Job search as an Initial Engagement Activity

Upon completion of the appraisal, all participants required to participate in job search as their initial engagement activity, shall be assigned to participate for a period of up to four consecutive weeks in job search activities.

- (1) Job search activities may include use of job clubs to identify the participant's qualifications.
- (2) The CWD shall consider the skills and interests of participants in developing a job search strategy.

(§42-711.534(b))

103-13

The period of job search activities may be shortened under the following circumstances:

- (1) The participants and the CWD agree that further job search activities would not be beneficial; or,
- (2) The CWD determines that the recipient will not benefit because he or she may suffer from an emotional or mental disability that will limit or preclude the recipient's participation in welfare-to-work activities.

(§42-711.534(c))

103-14

Job search activities may be required in excess of four weeks if the CWD determines that the recipient's performance during job search indicates that extending the job search period is likely to result in unsubsidized employment. (§42-711.534(d))

103-15

Exceptions to the requirement that all recipients must participate in job search activities are as follows:

- (1) Participation in job search shall not be required if the job search schedule will interfere with unsubsidized employment or participation in an approved Self-Initiated Program (SIP) as specified in Section 42-711.54.
- (2) The individual is required to participate in, is participating in, or is exempt from Cal-Learn or is 19 years old and has not yet earned a high school diploma or equivalent certificate.

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- (3) A noncitizen who is a victim of human trafficking, domestic violence or other serious crimes as specified in Section 42-431.23 who does not have authorization to work from the United States Citizenship and Immigration Services shall not be required to participate in job search.
- (A) Upon earning a high school diploma or its equivalent, the above individuals shall not be required, but may be permitted, to participate in job search activities as their first program assignments following an appraisal.

(§42-711.534(a))

103-16

#### Family Stabilization as an Initial Engagement Activity

A recipient assigned to Family Stabilization as his or her initial engagement activity shall participate in Family Stabilization in accordance with Section 42-749. At the conclusion of Family Stabilization, the recipient shall be referred to assessment. A recipient who has completed assessment prior to the conclusion of Family Stabilization shall not be referred to assessment, unless the CWD determines an updated assessment is necessary to develop a welfare-to-work plan. (§42-711.535)

103-17

#### Mental Health, Substance Abuse, or Domestic Abuse Services as an Initial Engagement Activity

A recipient may be assigned to substance abuse services as described in Section 42-711.57, mental health services as described in Section 42-711.56, or domestic abuse services as described in Section 42-715, as appropriate, for a period of four consecutive weeks.

This four-week period may be extended if the CWD determines that additional services are necessary in order to complete assessment and the welfare-to-work plan development process. If, at appraisal, the CWD determines that mental health, substance abuse, or domestic abuse services as an initial engagement activity may be necessary in excess of four consecutive weeks, the CWD shall concurrently refer the individual to assessment and any assignment to additional services shall be part of a welfare-to-work plan. (§42-711.536)

103-18

Participants shall be referred to assessment, if:

- (a) They do not obtain unsubsidized employment with sufficient hours to meet the minimum hours of participation;
- (b) The CWD determines that participation in initial engagement activities will be shortened or bypassed because they are not likely to lead to employment or are otherwise;

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- (c) The CWD determines that participation in mental health, substance abuse, or domestic abuse services as initial engagement activities are required in excess of four consecutive weeks;
- (d) The CWD determines that the individual would benefit from additional education or training prior to participation in other activities, or;
- (e) The CWD determines that participation in initial engagement activities will not be required if the recipient is a noncitizen victim of human trafficking, domestic violence or other serious crimes as specified in Section 42-431.23 and he or she does not have authorization to work from the United States Citizenship and Immigration Services.

(§42-711.551)

103-19

The following individuals will not be referred to assessment:

Those individuals who are excluded as provided in Section 42-711.31 (19 year-old custodial parent participating in welfare-to-work activities only to earn a high school diploma or its equivalent), 42-711.557 (participant's approved for Self-Initiated Programs), 42-711.558 (welfare-to-work activities and services provided only as component of reunification) and 42-719.111 (teens ages 16 and 17 who have not completed high school or its equivalent and are participating in welfare-to-work activities only to earn a high school diploma or its equivalent).

(§42-711.551)

103-20

Participants who are employed in unsubsidized employment with sufficient hours to meet the minimum hours of participation required shall be referred to assessment if they wish to participate in additional welfare-to-work activities. If they do not wish to participate in additional welfare-to-work activities, they may opt out of an assessment.

- (a) These individuals shall be informed that they will be required to sign a welfare-to-work plan.
- (b) They shall also be informed that if they do not go to assessment the welfare-to-work plan shall provide only for unsubsidized employment and necessary supportive services.
- (c) If at any time an individual who opted out of assessment does not meet his or her minimum hours of participation as assigned according to the welfare-to-work plan he or she shall be referred to assessment.

(§42-711.552)

103-21

Upon referral to assessment, a participant shall work with the CWD to develop and agree on a welfare-to-work plan, on the basis of the assessment of the individual's skills and needs. The plan shall specify the activities to which the participant will be assigned and the supportive services to be provided. (§42-711.553)

103-22

The assessment shall include at least all of the following:

- (a) The participant's work history and an inventory of his or her employment skills, knowledge, and abilities.
- (b) The participant's educational history and present educational competency level.
- (c) The participant's needs including the need for supportive services in order to obtain the greatest benefit from the employment and training services offered under CalWORKs.
- (d) An evaluation of the chances for employment given the current skills of the participant and the local labor market conditions.
- (e) Local labor market information.
- (f) Physical limitations or mental conditions that limit the participant's ability for employment or participation in welfare-to-work activities.
- (g) Identification of available resources to complete the welfare-to-work plan.
- (h) Other information gathered during the participant's appraisal.
- (i) Other information gathered during participation in Family Stabilization.

(§42-711.554)

103-23

If the participant disagrees with the results of the assessment, the matter shall be referred by the CWD for an independent assessment by an impartial third party. The results of this assessment, which shall be binding upon the county and the participant, shall be used to develop the appropriate plan for the participant.

No state hearing shall be granted regarding an assessment used to develop a welfare-to-work plan until an independent third-party assessment has been performed.

(§42-711.556)

103-24

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#### Mental Health Assessment

If there is a concern that a mental disability exists that will impair the ability of a recipient to obtain employment, he or she shall be referred to the county mental health department. (§42-711.56)

103-25

Each CWD shall develop individual welfare-to-work plans for participants with mental or emotional disorders based on the evaluation conducted by the county mental health department. (Handbook §42-711.563)

103-26

#### Substance Abuse Assessment

If there is a concern that a substance abuse problem exists that will impair the ability of a recipient to obtain or retain employment, he or she shall be referred to the county alcohol and drug program for an evaluation and determination of any treatment necessary for the participant's transition from welfare to work. If the CWD determines that the county alcohol and drug program is unable to provide the needed services, the county department may contract directly with a nonprofit state-licensed narcotic treatment program, residential facility, or certified nonresidential substance abuse program to obtain substance abuse services for a participant. (§42-711.57)

103-27

If a participant is determined to have a substance abuse problem, based on an evaluation by the county alcohol and drug program or a state-licensed or certified nonprofit agency, the case manager shall develop the participant's welfare-to-work plan based on the results of that evaluation. In such a case, the participant's welfare-to-work plan may include appropriate treatment requirements, including assignment to a substance abuse program. (§42-711.571)

103-28

#### Evaluation for a Suspected Learning or Medical Problem

A participant with a suspected learning or medical problem, as determined by information received during appraisal or assessment or by lack of satisfactory progress in an assigned activity component, shall be referred to an evaluation. This evaluation shall be performed by a professional whose training qualifies them to determine whether the participant is unable to successfully complete or benefit from a current or proposed activity assignment. As part of the evaluation, the CWD may require the participant to undergo the appropriate examinations to obtain information regarding the participant's learning and physical abilities.

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Based upon the results of the evaluation, the CWD may refer the participant, as appropriate, to any of the following:

- (a) Any of the welfare-to-work activities described in Section 42-716.1 including referrals to the participant's previous activities.
- (b) Existing special programs that meet specific needs of the participant.
- (c) Job search services if the CWD determines the participant has the skills needed to find a job in the local labor market.
- (d) Assessment in accordance with Section 42-711.55.
- (e) Rehabilitation assessment and subsequent training.

The participant shall be involved in the decisions made during the evaluation and will have the same right to appeal through the state hearing process as other program participants.

(§42-711.58)

103-29

After assessment, any recipient of aid who is required or who volunteers to participate in welfare-to-work activities shall enter into a written welfare-to-work plan with the CWD. (W&IC §11325.21; §42-711.61)

103-30

Except as specified in §§42-711.621 and .622, a non-exempt individual shall enter into his or her welfare-to-work plan after assessment, but no more than 90 days after the date that the individual's eligibility for aid is initially determined or the date that the individual is required to participate in welfare-to-work activities pursuant to §42-711.623(c) or (d) unless the individual meets an exemption criterion or is otherwise not required to sign a welfare-to-work plan. (§42-711.62)

103-31

The individual may enter into his or her welfare-to-work plan with the CWD as late as 90 days after the completion of initial engagement activities, as specified in Section 42-711.53, if these activities are initiated within 30 days after the individual's eligibility for aid is determined or the date the individual is required to participate pursuant to Section 42-711.623.

Initial engagement activities are considered to be initiated when an individual is referred for participation in the initial engagement activity.

The 90-day period specified in §42-711.62 and the 30-day period specified in §42-711.621 do not include the following:

Time in good cause, compliance, and sanctioning processes including the participation time in activities to end a sanction

Time in good cause includes time when the individual notifies the county in advance that he or she cannot attend an assigned activity and the county determines that the individual has good cause

Time between the date a learning disability evaluation appointment is scheduled and the date the county receives the final report, up to a maximum of 90 days. After the final report from the learning disability evaluator is received by the county, or on the 91st day if the final report has not been received, the 30- and 90-day periods resume

Except as noted above, the 90-day and 30-day time frames start as follows:

The date of the notice of action that informs a non-exempt individual of his or her initial eligibility for aid when he or she is eligible for aid on the date of application

The date a non-exempt individual begins receiving aid when the individual is initially ineligible for aid on the date of application and the county has determined that he or she will be eligible for aid within 60 days.

The date an individual is required to participate in welfare-to-work activities when he or she has been receiving aid but was not required to have a welfare-to-work plan developed and the county knows this date in advance

The date the county learned an individual is required to participate in welfare-to-work activities when he or she has been receiving aid but was not required to have a welfare-to-work plan and the county does not know this date in advance, but no longer than 30 days from the date the individual was required to participate

(§§42-711.62, .621-.623)

103-32

A participant shall take part in one or more welfare-to-work activities for the required minimum participation hours and as provided in the welfare-to-work plan. In developing a welfare-to-work plan, the CWD shall discuss all of the following with the participant:

- (a) The participation flexibility during the Welfare-to-Work 24-Month Time Clock period and the scope of activities that he or she may participate in including his or her ability to meet CalWORKs federal standards.
- (b) The conditions that allow a month not to count toward the Welfare-to-Work 24-Month Time Clock.

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- (c) The welfare-to-work participation requirements for individuals who have exhausted their Welfare-to-Work 24-Month Time Clock.

In consultation with the participant, the CWD shall, consistent with the assessment conducted in Section 42-711.55, develop a welfare-to-work plan that is intended to meet either CalWORKs federal standards or to utilize the full range of activities available in accordance with the Welfare-to-Work 24-Month Time Clock.

In determining the activities to be included in a welfare-to-work plan that utilizes the Welfare-to-Work 24-Month Time Clock or a plan intended to meet CalWORKs federal standards, all of the following shall be considered:

- (a) The participant's need for barrier removal activities or other welfare-to-work activities that may not meet CalWORKs federal standards.
- (b) The extent to which educational activities may be countable under CalWORKs federal standards.
- (c) The circumstances and career goals of the participant.

A welfare-to-work plan developed to utilize the Welfare-to-Work 24-Month Time Clock shall be consistent with the assessment conducted in Section 42-711.55, and designed to remove particular barriers to employment or to meet the career goals of the participant in achieving self-sufficiency.

(§42-711.63)

103-33

The welfare-to-work plan the recipient must sign after assessment shall meet the following requirements. It shall:

1. The plan shall be written in clear and understandable language and have a simple, easy-to-read format. (§42-711.64) A copy of the complete, signed plan shall be provided to the participant. (§42-711.612)
2. The plan shall contain at least, but is not limited to, the information provided to the individual pursuant to Sections 42-711.522(b), (c)(1) and (2), and (d)(2), which includes:
  - (a) A general description of the welfare-to-work program, including available activity components and supportive services, including child care.
  - (b) A list of the exemptions from the required participation pursuant to Section 42-712;
  - (c) The consequences of a failure or refusal to take part in the program activity(ies), pursuant to Section 42-721, and the criteria for successful completion of the program;

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- (d) A statement that the participant has a grace period of Thirty (30) days from the beginning of the initial training or education assignment activity to request a change or reassignment to another activity.

(§42-711.641)

3. The plan shall include the activities and services to be provided that will move the participant into employment and toward self-sufficiency. (§42-711.611)
4. The plan shall specify, and shall be amended to reflect changes in, the participant's welfare-to-work activities, a description of needed supportive services to be provided, and specific requirements for successful completion of assigned activities including required hours of participation. (§42-711.642)
5. The plan shall address school attendance of all children in the assistance unit for whom school attendance is compulsory, and identify any participation required of the parent by the school to ensure the child's attendance. Such participation hours by the parent shall count toward the required hours of participation specified in Section 42-711. (§42-711.642(a))
6. The plan shall outline how hours of participation in welfare-to-work activities satisfy the participation requirements. (§42-711.642(b))

103-34

A participant shall be provided written notice of the availability of paid child care when he or she signs an original or amended welfare-to-work plan. (§42-711.65)

103-35

If the CWD determines it to be appropriate and necessary for the removal of the participant's barriers to employment, an individual who lacks basic literacy or mathematics skills, a high school diploma or general educational development certificate, or English language skills, shall be assigned to participate in adult basic education as defined in Section 42-716.1(k). (§42-711.644)

103-36

If an activity to be provided under the welfare-to-work plan is not immediately available to the participant, he or she shall be assigned to job search and/or job readiness activities until the education or training activity designated in the plan is available. (§42-711.648)

103-37

The CWD shall allow the participant three (3) working days after the completion of the welfare-to-work plan or subsequent amendments to the plan in which to evaluate, and request changes to, the terms of the plan. (§42-711.646)

103-38

The participant has 30 days from the beginning of the initial welfare-to-work activity in which to request a change or reassignment to another activity or component of the activity. The CWD shall grant the participant's request for reassignment if another assignment is available and consistent with the individual's welfare-to-work plan and the CWD determines the other activity will readily lead to employment. This grace period will be available only once to each participant. (§42-711.647)

103-39 ADDED 9/08

On-line courses are a form of education which can be provided for in the WTW plan based on an individualized assessment of the participant's employment and training needs.

Counties must allow on-line courses as an activity if they are consistent with the participant's assessment and participation can be verified. However, if the assigned activity is available in more than one format, counties may adopt a policy of requiring one over another.

For example, if a participant's WTW plan includes a course of study at a local Regional Occupational Center that is available in both classroom and on-line formats, the county may require the participant to attend the classroom session if it does not conflict with the participant's schedule and is otherwise appropriate (for example, transportation difficulties or disability needs may render the in-person course unavailable or inappropriate).

(All County Information Notice I-47-08, July 29, 2008)

103-40 ADDED 9/08

MPP Section 11-501.3 requires counties to have written policies when CDSS regulations authorize counties to adopt standards which affect a recipient's WTW activity, including supportive services. Counties must apply their on-line course policies equitably to all participants. For example, a county may not deny an on-line course as part of an approved WTW plan based solely on concerns that an individual participant would not maintain satisfactory participation, while granting it to others (MPP Section 42-711.8).

(All County Information Notice I-47-08, July 29, 2008)

103-41

"Learning Disabilities" means a heterogeneous group of disorders manifested by significant difficulties in the acquisition and use of listening, speaking, reading, writing, reasoning, or mathematical abilities.

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These disorders are intrinsic to the individual and presumed to be due to central nervous system dysfunction. Even though a learning disability may occur together with other handicapping conditions (e.g., sensory or mental impairment); or environmental retardation, social and/or emotional disturbance influences (e.g., cultural differences, insufficient/inappropriate instruction, psychogenic factors); it is not the direct result of those conditions or influences.

For the purposes of the CalWORKs Welfare-to-Work program, these disorders interfere with the participant's ability to obtain or retain employment or to participate in welfare-to-work activities.

(§42-701.2(l)(2))

103-42

"Screening" is the first step towards identifying individuals with suspected learning disabilities. It involves the use of a recognized and validated learning disabilities screening tool that is administered by designated individuals who have been trained on how to properly administer the tool. All individuals who receive a score on the screening tool that indicates a possible learning disability must be referred for further evaluation. Individual judgment should not be substituted for the screening tool outcome. (All-County Letter No. 01-70, October 17, 2001, Enc., p.3)

103-43

Counties must offer CalWORKs welfare-to-work participants a screening for learning disabilities at the first welfare-to-work contact (i.e., orientation or appraisal) or by no later than the assessment as described in Section 42-711.55. The offer of the screening and evaluation must be both verbal and in writing. Counties are required to provide information about the screening, both verbally and in writing at the first welfare-to-work contact, including a description, of the purpose and benefits of the screening and evaluation. Counties that choose to offer a screening for learning disabilities later than the first welfare-to-work contact are still required to provide information about the screening and evaluation, as specified in Section 42-722.12, at the first welfare-to-work contact. (§42-722.1)

103-44

Information that counties provide participants must include, but is not limited to, the following:

- (a) Most people with learning disabilities are intelligent and many are gifted;
- (b) Individuals with a learning disability may have difficulty reading, listening, understanding directions, writing, spelling, doing math, organizing things, getting along with others, expressing ideas out loud, paying attention;

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- (c) Individuals with a learning disability can be taught to use their strengths and find ways to make it easier to learn and be more successful at school and on the job;
- (d) The county can help individuals get the appropriate welfare-to-work activity, including accommodations once a learning disability is identified;
- (e) The learning disabilities screening is a very simple and short test;
- (f) The screening will help the individual decide if they want a referral to a learning disability specialist for an evaluation to find out if a learning disability exists;
- (g) The areas that will be tested at evaluation are natural talents and abilities, ability to follow verbal and written information, achievement, and job and career interests. The specialist can help identify strengths and weaknesses so that the county can make referrals to the appropriate services and accommodations; and
- (h) Individuals have the right to file for a fair hearing pursuant to Section 42-721.5 if they disagree with a county action.
- (i) Limited-English proficient CalWORKs welfare-to-work participants have the right to request a referral to a learning disabilities evaluation, pursuant to Section 42-722.414, when there is no screening tool in their primary language.

(§42-722.121)

103-44A ADDED

1/16The county must first provide all of the information in the preamble to Welfare to Work participants before a waiver for the learning disability screening or evaluation is provided. The CWDs must not offer or require Welfare to Work participants to sign the LD screening waiver in lieu of offering the learning disability screening or referral to the learning disability evaluation. The waiver (WTW 17) is provided only if participants decide to not be screened or evaluated for learning disability.

(All County Letter 15-101, December 18, 2015)

103-45

Participants who request or agree to a learning disabilities screening at any time during their welfare-to-work participation must be screened by the county before they are assigned to another welfare-to-work activity. This provision applies only to participants who have not been previously screened. (§42-722.14)

103-46

If during the learning disabilities screening and evaluation process, the county suspects that the participant has health, behavioral health, and learning disabilities problems, counties should address the health-related issues first. (§42-722.161)

103-47

When the participant declines the learning disabilities screening referenced in Section 42-722.1 and/or the evaluation referenced in Section 42-722.4, the county must:

- .211 Inform the participant that his/her welfare-to-work activities will not include any accommodations for a learning disability; and
- .212 Inform the participant that he/she may receive a learning disabilities screening and/or evaluation upon request at any later time; and
- .213 Read and discuss the waiver of the learning disabilities screening and/or evaluation with the participant and have the participant sign the waiver.

(§42-722.21)

103-48

The county may choose who will administer the learning disabilities screening tool. Counties must select screeners for potential learning disabilities who have:

- (a) The training to appropriately administer the screening tool; and
- (b) To the degree possible, a working relationship with the participant (e.g., county employment case managers, social workers, and eligibility workers; and contracted service providers, etc.).

Counties may contract with trained, qualified learning disabilities professionals to administer the screening tool.

(§42-722.31)

103-49

Counties must use only recognized and validated learning disabilities screening tools, if a validated tool exists in the participant's primary language.

For limited-English proficient CalWORKs welfare-to-work participants for whom no recognized and validated learning disabilities screening tools exist, the county must determine whether a potential learning disability exists. Counties must use bilingual and bicultural staff when determining whether a limited-English proficient individual has a potential learning disability. Counties may use discussions with, and observation of, the participant to determine the existence of a potential learning disability. If the county determines that a limited-English proficient CalWORKs welfare-to-work participants may have a potential learning disability, the county must refer the participant to a learning disabilities evaluation in accordance with Section 42-722.4.

(§§42-722.15, .32, & .33)

103-50

Participants with Limited English Proficiency (LEP)

Currently, the existing recognized learning disabilities screening tools are validated only in English and can only be used for participants whose primary language is English. Counties must not attempt to translate an English-language screening tool for learning disabilities into other languages or use bilingual staff to translate it for LEP participants. However, counties must provide access to comparable learning disability screening and evaluation services for the LEP CalWORKs WTW population when it is suspected that a learning disability exists. Accordingly, counties must use alternative processes, such as referring a LEP participant to a qualified, bilingual professional for a learning disabilities evaluation.

(All-County Letter No. 01-70, October 17, 2001, Enc., pp.6-7, as modified by ACL No. 02-64, August 29, 2002)

103-51

Included in the Online CalWORKs Appraisal Tool is a learning needs section. This section is identical to the current WTW Learning Needs Screening (WTW 18). Offering and conducting a separate screening with the WTW 18 is not required or necessary if the client is offered and/or completes the screening in OCAT.

As stated in Manual of Policies and Procedures (MPP) Section 42-722.32, a client cannot be given a learning disabilities screening and/or evaluation in a language other than the client's primary language. The WTW Learning Needs Screening (WTW 18) is the only learning disabilities screening tool that can be used for CalWORKs WTW participants, and it cannot be translated or used with an interpreter, as it has only been validated for use in English. Since the OCAT learning needs screening is the same as the WTW 18, the OCAT learning needs screening shall not be used in any language other than English, as the WTW 18 is only valid for use in English. Counties cannot use a learning needs screening tool that is not validated for use in a participant's primary language.

(All County Letter No. 15-43, April 17, 2015)

103-52 ADDED 12/04

Counties must refer CalWORKs participants who are suspected of having a learning disability for a learning disabilities evaluation. These participants include, but are not limited to, individuals who:

- Have been identified as potentially having a learning disability, based on the learning disabilities screening tool score;
- Were previously identified as having learning problems (e.g., K-12 Special Education); or
- Are suspected of having a learning disability even though the results from the learning

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disabilities screening did not indicate a potential learning disability,

- Are limited-English proficient and request a referral to a learning disabilities evaluation if no validated screening tool exists in their primary language.

If the participant declines the learning disabilities evaluation, the county must inform the participant of how his/her welfare-to-work assignment will be affected.

(§42-722.41 and .42)

#### 103-53 ADDED 12/04

Participants who are screened at assessment, found to have a potential learning disability, and agreed to an evaluation, must be evaluated prior to the completion of the assessment and the welfare-to-work plan. (§42-722.44)

#### 103-54

If a participant agrees to an evaluation, the county must refer him/her to the evaluation as soon as administratively possible. (§42-722.43 & .44)

#### 103-55

Counties must use trained, qualified learning disabilities evaluation professionals who use recognized and validated learning disabilities evaluation tools to identify learning disabilities and to determine the appropriate accommodations for individuals with learning disabilities. Learning disabilities evaluation professionals may include county staff who have the necessary training as learning disabilities specialists to administer and interpret validated test instruments. The county may contract with qualified learning disabilities evaluation professionals to perform the evaluations. (§42-722.46)

#### 103-56

If no recognized and validated evaluation tools exist in the participant's primary language, the learning disabilities evaluation professional, utilizing appropriate bilingual and/or bicultural staff, as necessary, must to the best of staff ability determine if a learning disability exists through:

- (a) The use of other evaluation tools that may provide pertinent information.
- (b) Discussions appropriately tailored to the individual's cultural background with, and/or observations of, the participant.

(§42-722.465)

#### 103-57

Should the participant provide previous evaluation results that were conducted outside of the CalWORKs Welfare-to-Work program, the county has the option to:

- .241 Accept all or part of the evaluation and provide the individual with any needed reasonable accommodations that are identified in the evaluation; or

.242 Not accept the evaluation and obtain a second opinion by referring the participant to another learning disabilities evaluation.

.243 In cases when previous evaluations do not provide sufficient information, refer the participant to additional testing.

(§42-722.24)

103-58

Learning Disabilities Evaluation Report

The learning disabilities evaluation report, at a minimum, shall include the following core information:

- .511 Relevant vocational/educational background and history;
- .512 General aptitude/cognitive level;
- .513 Other issues, such as, physical/mental problems;
- .514 Areas of strength;
- .515 Areas of deficiency; and
- .516 A summary of the participant's condition and service needs including:
  - (a) severity of disability;
  - (b) areas of potential impact, including employment and participation in welfare-to-work activities;
  - (c) rationale for learning disabilities determination/diagnosis;
  - (d) recommendations for additional services, as appropriate;
  - (e) if identified, any suspected conditions other than a learning disability so that the county can make the appropriate referral; and
  - (f) Range of recommended accommodations/assistive technology to be included in the participant's welfare-to-work plan.

(§42-722.51)

103-59

If the learning disabilities evaluation report establishes that the participant does not have a learning disability or other disability that interferes with obtaining or retaining employment or participating in the CalWORKs program:

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- (a) The county must provide a copy of the report and an explanation of the evaluation results to the participant;
- (b) The participant must begin/resume his/her welfare-to-work assignment;
- (c) The county must inform the participant that he/she will not be provided special accommodations while participating in his/her welfare-to-work assignment, since it was determined that he/she did not have a learning disability; and
- (d) Inform the participant of the right to file for a state hearing if the participant disagrees with the county actions based on the evaluation.

(§42-722.531)

103-60

The county must not sanction a participant because of his/her refusal to be screened and/or evaluated for learning disabilities. (§42-722.22)

103-61

Should a participant decline to be screened or evaluated, and subsequently refuse or fail to comply with program requirements, or to make satisfactory progress in his/her assigned activity, the participant shall not have good cause on the basis of being learning disabled for failing to comply with program requirements or make satisfactory progress, and shall be subject to the compliance and sanction requirements in accordance with Sections 42-721.2 and .4, respectively, unless determined to have a learning disability. (§42-722.221)

103-62

Should the participant decline the learning disabilities screening and/or evaluation as described in Section 42-722.21, and request a learning disabilities screening and/or evaluation at a later time, the county must provide the screening and evaluation as soon as administratively possible. (§42-722.23)

103-63

If the learning disabilities evaluation report establishes that the participant has a learning disability that interferes with obtaining or retaining employment or participating in a CalWORKs program, the county must:

- (a) Provide a copy and an explanation of the evaluation report results to the participant, including any recommendations for reasonable accommodations identified in the evaluation;

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- (b) Discuss the appropriate welfare-to-work activities and reasonable accommodations needed to help the participant be successful in completing his/her welfare-to-work activities; and
- (c) As necessary, develop or modify the welfare-to-work activities and/or welfare-to-work plan in accordance with Section 42-711.63 to reflect appropriate welfare-to-work activities and necessary reasonable accommodations based on the results of the assessment, the learning disabilities evaluation, and discussions between the county and the participant.
- (d) Inform the participant of the right to file for a state hearing if the participant disagrees with the county actions based on the evaluation, in accordance with Section 42-721.51.

(§42-722.532)

103-64

When an individual is identified with a learning disability, the county and the individual will review the written learning disabilities evaluation and discuss the types of jobs or other WTW activities that might best match the individual's skills while working around his/her limitations. The written evaluation should include a range of reasonable accommodations for the individual.

In making an employment referral or assigning an activity, the county is required to comply with §21-109. The county must provide a participant who has learning disabilities with an opportunity to participate in WTW activities through the provision of services that are comparable to those provided to a non-disabled participant. The county cannot deny access to an activity because of a participant's disability. In determining appropriate activities for a participant, the county must integrate the results from the participant's individualized assessment as well as the learning disabilities evaluation.

In determining which, if any, accommodations are needed to successfully perform a job or WTW activity, the individual's abilities and limitations must be considered relative to the specific requirements of the job or WTW activity. It may also be helpful to identify successful strategies the individual has used in the past at school and/or in other work settings that could be applied to new activities.

Under the Americans with Disabilities Act, an employer does not have to provide a reasonable accommodation to an individual with a disability if it would impose an undue hardship on the operation of the business. However, if a particular accommodation would impose an undue hardship, the employer must consider whether alternative accommodations are available that would not impose the hardship. Undue hardship is defined as an action that requires significant difficulty or expense in relation to the size of the employer, the resources available, and the nature of the operation. Similarly, counties and their contractors must provide reasonable

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accommodations to individuals with disabilities to access their services, unless doing so would fundamentally change the nature of the service.

(All-County Letter No. 01-70, October 17, 2001)

103-64A

"Reasonable accommodations" are modifications and adjustments that make it possible for a qualified individual with a disability to apply for or perform the essential functions of a job or to participate in assigned WTW activities. The CWD, and any of its service providers, must make reasonable modifications of their services to accommodate CalWORKs participants who have a disability, including a learning disability. The accommodations should be specific to an individual's needs and must be provided free of cost to the recipient by the county and any of its service providers. (All-County Letter No. 01-70, October 17, 2001, Enc., p.4)

103-65

Unless exempt pursuant to Section 42-712, an individual with a learning disability must participate for the required number of hours as specified in Sections 42-711.41 or 42.709.2. Required hours may include participation in supplemental activities that are supportive of the participant's employment goals and consistent with the learning disabilities evaluation and welfare-to-work plan. These activities may include, but are not limited to, adult basic education, literacy tutoring, and, if allowable under the county's CalWORKs plan or as a reasonable accommodation, study time for participants who are in educational programs that are not self-initiated. (§42-722.61)

103-66

Generally, individuals with learning disabilities are able to meet WTW participation requirements when the learning disabilities are properly identified and necessary accommodations and/or assistive technologies are provided.

However, some individuals have learning disabilities (alone or in combination with other disabilities) that are so severe that they significantly impair the individual's ability to be regularly employed or participate in WTW activities. The county would exempt such individuals from the participation requirements on a case-by-case basis if verification of the impairment(s) is provided by a health care professional who is licensed by the State to diagnose/treat physical and/or mental impairments (see §§42-712.44 and 42-701.2(d)(2)).

Health care professionals, such as Licensed Clinical Social Workers and Licensed Marriage and Family Therapists are qualified to provide verification of a learning disability exemption to the extent that they are licensed by the state and are specialized in diagnosing and treating learning disabilities.

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(All-County Letter No. 01-70, October 17, 2001, pp 20-21)

103-67

If a learning disability is confirmed through an evaluation during a participant's good cause determination or compliance process, the county must determine if the disability contributed to the participant's failure to participate. If it is determined that the learning disability diminished the participant's ability to participate:

- .721 The participant shall be considered to have good cause for his/her failure to participate in accordance with Section 42-713 or, if appropriate, be exempt from welfare-to-work requirements in accordance with Section 42-712;
- .722 The participant shall not be considered to have an instance of noncompliance in accordance with Section 42-721.43; and
- .723 As necessary, the county shall also review the welfare-to-work activity and/or welfare-to-work plan and modify it in accordance with Section 42-722.532(c).

(§§42-722.71 & 72)

103-68

If a learning disability is confirmed through an evaluation for an individual who is attempting to stop his/her welfare-to-work sanction, the county will determine whether the learning disability was a contributing factor to his/her noncompliance. If the learning disability was a contributing factor to the individual's noncompliance:

- (a) The county will rescind the sanction and the participant shall not be considered to have an instance of noncompliance in accordance with Section 42-721.43; and
- (b) The county will give the individual the choice of:
  - (1) receiving retroactive cash aid payments for the months the individual was improperly sanctioned; or
  - (2) prospectively resuming receipt of cash aid and welfare-to-work services, effective the date the participant is determined to be no longer sanctioned.

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- (c) If the individual chooses to receive aid for the rescinded sanction period, all months in that period will be counted against the 48-month time limit.
- (d) As necessary, the county will review the welfare-to-work activity and/or welfare-to-work plan and modify it in accordance with Sections 42-722.532(c).

(§42-722.73)

103-69

If the county cannot determine from the evaluation report if the disability contributed to the participant's failure to participate, the county must consult with the learning disabilities evaluator or another learning disabilities specialist to make the determination. (§42-722.74)

103-70

If the learning disability was not a contributing factor to noncompliance, the county shall continue the sanctioning process in accordance with Section 42-721.4. (§42-722.75)

103-71

If a welfare-to-work participant with an identified learning disability moves from one county to another:

- .811 The first county must, with the participant's written permission, forward a copy of the written learning disabilities evaluation to the second county.
- .812 The second county must develop a new, or modify the existing, welfare-to-work plan, as necessary, to reflect appropriate welfare-to-work activities and necessary reasonable accommodations based on the review of documents received, reevaluation of the original assessment, discussions between the county and the participant, and availability of resources.
- .813 The participant shall not have good cause for failure to participate in the second county, based on the second county's failure to provide services and accommodations that are identified in the learning disabilities evaluation report as being necessary for the participant, when the participant refuses permission for the first county to forward the report.

(§42-722.8)

103-72

A county may waive program requirements except as specified in §42-715.511, for a recipient who has been identified as a past or present victim of domestic abuse when it has been determined that good cause exists. Program requirements that can be waived include, but are not limited to time limits on receipt of assistance, work requirements, education requirements,

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paternity establishment and child support cooperation. Program requirements that cannot be waived are deprivation, assets, income, and homeless assistance. (§42-715.51)

103-72A

Any program requirement, except those listed in MPP §42-715.511, may be waived temporarily for a past or present victim of domestic abuse when it has been determined that good cause exists (Welfare and Institutions Code (WIC) § 11495.15). Good cause exists when a CWD has determined 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 (WIC §11320.3(f) and MPP §42-713.221).

(All County Letter 14-59, August 21, 2014)

103-73 ADDED 9/06

**Question:** Must a county have written domestic abuse policies?

**Answer:** Yes. MPP Section 42-715.52 requires counties to have developed domestic abuse policies; and MPP Section 11-501.3 requires counties to have written clarification of those areas of the California Work Opportunity and Responsibility to Kids (CalWORKs) program in which counties have discretion to adopt specific standards that affect a client's eligibility, grant amount, and Welfare-to-Work (WTW) activities, including supportive services.

**Question:** Can a county have a general policy that no one gets a domestic abuse waiver for any reason?

**Answer:** No. As specified in §42-715.52, counties must develop criteria for waiving program requirements for past and present victims of domestic violence.

(All-County Information Notice I-02-06, January 9, 2006, questions and answers 2 and 3)

103-74 ADDED 9/06

**Question:** Must a county allow an individual to self-declare as a victim of domestic abuse?

**Answer:** Yes. As specified in MPP Section 42-715.12, counties must allow individuals to self-declare. Sworn statements by a victim of past or present abuse shall be sufficient to establish abuse unless the county documents in writing an independent and reasonable basis to find the applicant or recipient not credible. In those instances, a county may request additional supporting documentation such as documentation from legal, clerical, medical, or other professionals.

**Question:** Can a county waive the Self-Initiated Program (SIP) rules for a victim of domestic abuse?

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**Answer:** Yes. There are no regulatory requirements that preclude the county from waiving the SIP requirements specified in MPP Section 42-711 for domestic abuse victims, as long as the domestic abuse circumstances prevented the individual from meeting the SIP rules at appraisal.

(All-County Information Notice I-02-06, January 9, 2006, questions and answers 4 and 15)

103-75

Each applicant or recipient who has been identified as a victim of domestic abuse shall be referred to staff who are trained in serving recipients who are victims of domestic abuse. Each individual shall be assessed on an individual basis to develop a welfare-to-work plan which will not place the individual at further risk and to which the applicant or recipient can agree. The plan shall be designed with confidentiality and the health and safety of the individual and his or her children as the primary considerations.

The welfare-to-work plan shall include consideration of the following:

- (a) The degree to which domestic abuse is a barrier to obtaining employment;
- (b) Flexibility to accommodate any prior or current legal obligations or other activities or issues related to the domestic abuse;
- (c) Special cultural or religious needs;
- (d) Other services for the victim and his or her children include, but are not limited to the following:
  - (1) Community domestic abuse services;
  - (2) Individual counseling of the participant and children;
  - (3) Group counseling;
  - (4) Substance abuse services;
  - (5) Medical and public health services;
  - (6) Mental health counseling;
  - (7) Immigration services;
  - (8) Parenting skills training;
  - (9) Independent living skills training;
  - (10) Financial planning;
  - (11) Relocation activities;
  - (12) Legal services.
- (e) The appropriate protection for individuals in immediate danger, which are to be integrated into the welfare-to-work plan; and
- (f) The need for a waiver from certain program requirements.

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(§42-715.21 & .211)

103-76

If the participant and the CWD staff are unable to reach an agreement on the welfare-to-work plan, the matter shall be referred by the CWD for an independent assessment by an impartial third party. (§42-715.22)

103-77

On January 19, 2001 the United States Department of Health and Human Services (HHS) Office for Civil Rights (OCR) issued policy guidance on the prohibition of discrimination on the basis of disability as stated in Section 504 and Title II of ADA in the administration of the Temporary Assistance for Needy Families (TANF) program (Manual of Policy and Procedures Division 21-101).

The California Fair Employment and Housing Act (FEHA) was significantly changed effective January 1, 2001 to provide greater protection to people with disabilities and to expand what is considered a disability.

The inclusion of these civil rights protections ensures equal opportunity for persons with disabilities to benefit from all aspects of welfare reform, including initial access to programs and to proper supportive services needed to enable such individuals to work and keep their families healthy and intact.

Title II of ADA, §504 defines a "disability" with respect to an individual to mean "a physical or mental impairment that substantially limits one or more of the major life activities of such individual." FEHA defines a disability as a physical or mental impairment (without consideration of mitigation) which limits a major life activity. The definition under FEHA is much broader and means that many more people qualify as disabled under the state law.

Title II of ADA, §504, and FEHA require recipient agencies (counties) to adopt non-discriminatory methods of administration and to ensure equal access to individuals with disabilities by providing appropriate services and modifying policies, practices and procedures to provide such access unless these modifications would fundamentally alter the nature of the services, programs, or activities. The county is responsible for identifying disabled beneficiaries and assessing any barriers to employment. Where necessary, the county must remove those barriers to ensure that equal opportunities are provided to individuals with disabilities. This can be achieved by providing (1) individualized treatment when necessary and (2) effective and meaningful opportunities to assist the disabled in becoming self-sufficient.

Individualized treatment means that individuals with disabilities are treated on a case-by-case basis consistent with the facts and objective evidence. Moreover, individuals with and without disabilities must be afforded the opportunity to benefit equally from Welfare-to-Work (WTW) programs and services. Therefore, counties must provide appropriate reasonable accommodations, auxiliary aids and services to ensure communication and program

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accessibility. Counties should examine their methods of program administration from application to training, education and employment to ensure that individuals with disabilities have an equal opportunity to benefit from the WTW programs.

(All-County Letter No. 01-42, July 30, 2001)

#### 104-1

An applicant or recipient shall be subject to sanctions whenever the person fails or refuses without good cause: To sign a welfare-to-work plan; to comply with a mutually acceptable compliance plan; to participate or provide required proof of satisfactory progress in any assigned program activity (including self-initiated programs); to accept or continue employment; or to maintain or increase earnings. (W&IC §§11327.4(a)(1); §§42-721.21 & .22)

#### 104-2

A WTW participant shall maintain satisfactory progress in the activities to which the participant is assigned. (§42-711.645)

#### 104-2A ADDED 10/15

The satisfactory progress standards for each participant's assigned activity must be included in the WTW plan, and must be clear and understandable to the participant as acknowledged by the signing of the WTW plan.

(All County Letter 15-80, October 20, 2015, p. 2)

#### 104-3

The criteria for satisfactory participation in an assigned education or training activity include regular attendance and satisfactory progress. A participant who fails or refuses to comply with program requirements for participation in assigned activities and whose failure to make satisfactory progress is not due to a learning or medical problem, shall be subject to compliance and sanction requirements in accordance with Sections 42-721.2 and .4, respectively, unless the participant is exempt from the participation and compliance requirements pursuant to Section 42-721.13. The CWD or the service provider shall inform the participant of the standards for meeting the regular attendance and satisfactory progress requirements for the program to which they are assigned. (§42-711.81)

#### 104-4

Good cause for failure or refusal to comply with program requirements includes:

- a. The employment, offer of employment, activity or training for employment discriminates on the basis of age, sex, race, religion, national origin, or physical or mental disability.
- b. The employment or offer of employment exceeds the daily or weekly hours of work customary to the occupation.

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- c. The employment, offer of employment, activity or other training for employment is remote from the individual's home because the round trip travel time exceeds two hours, or walking is the only available means of transportation, and the round trip exceeds two miles. (The time and mileage limits exclude transportation or accompaniment of family members to a school or place providing care.)

An individual who fails or refuses to comply with the program requirements based on the remoteness of the employment, offer of employment, activity, or other training for employment shall be required to participate in community service activities.

- d. The employment, offer of employment, activity or other training for employment involves conditions that are in violation of applicable health and safety standards.
- e. The employment, offer of employment, or work activity does not provide for workers' compensation insurance.
- f. The employment or work activity, if accepted, would cause an interruption in an approved education or job training program (excluding work experience and community service assignment) in progress. The program must be expected to lead to employment and provide sufficient income to be self-supporting. If the hours of participation in the approved program are fewer than the hours required for eligibility for aid, the county may require the person to participate in welfare-to-work activities so that the minimum hourly requirements are met.
- g. The employment, offer of employment or work activity, if accepted, would cause the individual to violate union membership terms.

(W&IC §11320.31; §§42-721.311 - .317)

In addition to the above, the county shall take into consideration whether good cause exists because the person has a mental disability which caused or substantially contributed to the refusal or failure to comply with program requirements. (W&IC §11327.9; §42-721.32)

Additionally, an individual shall have good cause for not participating in welfare-to-work activities if he or she meets the good cause for not participating criteria described in Section 42-713.

These criteria are:

- a. Lack of necessary supportive services.
- b. The person is a victim of domestic abuse, when participation is detrimental to, or unfairly penalizes, the person or the person's family.
- c. Licensed or license-exempt child care is not "reasonably available" during the individual's hours of training or employment, including commuting time, or arrangements have broken down or been interrupted, for children 10 years old or younger, for a child 11 years of age or older (when described in §§47-201.22 or .23), or for a foster care or SSI recipient child.

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(§42-721.33)

104-5 REVISED 9/08

When the county determines that an individual has failed or refused to comply with program requirements, it shall issue a notice of action to the individual. This notice shall take effect no earlier than 30 days after its issuance. The notice shall state that a sanction will be imposed unless the individual attends an appointment scheduled by the county, to be held within 20 calendar days of the notice, or contacts the county by phone, within that 20-calendar-day period and provides information which establishes good cause for the alleged refusal or failure to participate, or agrees to a compliance plan to correct the refusal or failure to comply. (W&IC §11327.4(b)(1); §§42-721.23, .231)

The notice of action shall contain the following additional information:

- (a) The date, time, and location of the scheduled appointment.
- (b) A description of the specific act(s) which cause the alleged noncompliance.
- (c) A statement that the individual has the right to explain the failure or refusal to comply with program requirements, or to establish good cause for such failure or refusal.
- (d) A general definition of good cause, and examples of good cause reasons for not participating.
- (e) The right to establish good cause over the telephone, and the telephone number.
- (f) The right of the individual to reschedule the appointment once within 20 days.
- (g) A description of transportation and childcare services available to the individual in order to attend the appointment.
- (h) A statement that if good cause is not found, a compliance plan will be developed and the individual will be expected to agree to the plan or face a sanction.
- (i) The name, telephone number, and address of state and local legal aid and welfare rights organizations that may assist the individual with the good cause and compliance plan progress.
- (j) The steps the individual must take to have aid restored.

(§42-721.232)

The county shall schedule the good cause appointment within 20 calendar days from issuance of the notice. The individual shall be allowed to reschedule that appointment once within the 20-day calendar period. (W&IC §11327.4(b)(2); §42-721.24)

104-5A

If the individual fails to attend the scheduled "good cause" appointment, the county shall attempt to contact the individual by telephone at the time of or after the appointment to establish a

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finding of good cause or no good cause. If a finding of not good cause is made, the CWD shall develop a compliance plan to correct the instance of nonparticipation.

If the individual fails to attend the meeting or to contact the county within the specified 20-calendar-day period, and the county is unable to contact the individual by telephone, a sanction shall be imposed.

(W&IC §§11327.4(c) and (d); §§42-721.25, .26)

#### 104-5B

The NA 840 is the sanction Notice of Action that 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 services as a sanction notice. (All-County Letter 03-59, November 14, 2003)

#### 104-5C ADDED 6/04

The WTW 27 is a required form to help recipients understand situations that are considered good cause reasons for non-participation. The WTW 27 must be mailed to the recipient along with the NA 840 sanction notice of action.

It is not necessary for recipients to complete or return the WTW 27. However, if a recipient returns the WTW 27, but then fails to either attend a scheduled meeting or discuss the problem on the phone and the county worker attempts but is unable to contact the recipient, the worker must determine whether or not good cause exists based upon available information including information on the WTW 27.

(All-County Letter 03-59, November 14, 2003)

#### 104-5D ADDED 6/04

The WTW 26 is the recommended form to assist county staff in determining good cause. If the county chooses not to use the WTW 26, it must have written good cause criteria in accordance with All-County Letter 00-08 to assist county staff in determining good cause for non-participation.

(All-County Letter 03-59, November 14, 2003)

#### 104-5E ADDED 6/04

The NA 840A is a required notice of action to inform a recipient who has claimed good cause within the 20-day good cause/compliance period of the county's determination. The county must complete the NA 840A and issue it as soon as possible after the county has made its determination of good cause or no good cause. (All-County Letter 03-59, November 14, 2003)

#### 104-5F

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The CWD shall rescind the notice of action if the individual attends the good cause appointment or contacts the CWD by telephone within the 20-calendar-day period and the CWD makes either of the following two determinations:

The individual had good cause for refusing or failing to comply, or

The individual agrees to a compliance plan to correct the noncompliance.

An instance of noncompliance shall not be considered to have occurred if either of the following occurs:

The CWD determines that the individual had good cause for failing or refusing to comply.

The individual did not have good cause for failing or refusing to comply, but agrees to a compliance plan and subsequently fulfills the terms of the compliance plan.

If the individual does not fulfill the terms of a written compliance plan agreed upon with the CWD and the CWD determines, based on available information, that the individual did not have good cause for failure to meet the terms of the plan, the CWD shall send a notice of action to impose a sanction. If a sanction is imposed under the terms of this paragraph, no further compliance procedures are applicable.

(§§42-721.27, .28, & .29)

104-5G ADDED 6/04

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 issue before a sanction is imposed.

Counties must use the compliance plan form (WTW 32) to inform the recipient of the steps he/she must take to comply with program requirements to avoid a sanction. Recipients must sign the WTW 32 indicating that they agree to complete the activities outlined in the plan or a sanction is imposed.

To correct the problem and avoid a sanction, the recipient must either meet the county worker in person or telephone the worker and agree to enter into a compliance plan within the 20-day compliance period. The recipient must then complete the plan.

All-County Letter 03-59, November 14, 2003)

104-6 ADDED 6/04

In the compliance process, a recipient has the opportunity to suggest an alternative activity if he/she does not agree with a county initiated plan. Counties may incorporate some or all of the recipient's suggestions into the plan. The recipient may file a request for state hearing to dispute the contents of the compliance plan. (All-County Letter 03-59, November 14, 2003)

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#### 104-6A ADDED 6/04

A recipient is considered to have complied with program requirements by satisfactorily performing the activity he/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 60 calendar days from the date the recipient begins the activity, whichever is less.

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 the recipient did not satisfactorily complete, although the recipient may be required to remain in the same activity once the compliance period is complete.

(All-County Letter 03-59, November 14, 2003)

#### 104-6B ADDED 6/04

An instance of noncompliance is counted if the individual corrects his/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, even if the participation problem can be corrected prior to imposition of the sanction. (All-County Letter 03-59, November 14, 2003)

#### 104-6C

Financial sanctions shall be applied when a non-exempt welfare-to-work participant has failed or refused to comply with program requirements without good cause and compliance efforts have failed.

When a member of the AU fails or refuses to comply with program requirements without good cause, that person shall be deleted from the AU.

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 until the non-complying individual performs the activity(ies) he or she previously refused to perform. If the activity is no longer available or appropriate, the county must specify another appropriate activity for the individual to perform.

Any month in which an individual is under sanction and removed from the assistance unit shall not be counted as a month of receipt of aid in determining the 48-month time limit in accordance with Section 42-302.115.

(W&IC §§11327.5(c) and (d); §§42-721.41 & .43)

#### 104-6D

The discontinuance from aid shall become effective on the first day of the first payment month that the sanctioned individual's needs are removed from aid following the CWD's timely and adequate notification.

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If the recipient appeals the sanction through the state hearing process within the period of timely notification, no sanction shall be imposed until the hearing decision is reached. If the CWD's action is sustained, the discontinuance shall be effective at the end of the payment month in which the state hearing decision is received. If the CWD is unable to discontinue aid at the end of such month, aid shall be discontinued at the end of the following payment month.

§§42-721.44)

104-6E

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

- .451 If the sanctioned parent's spouse or the assistance unit's second parent is not participating in the program, except as provided in Section 42-721.453, both the sanctioned parent and the spouse or second parent shall be removed from the assistance unit.
- .452 The CWD shall notify the spouse of the noncomplying participant or second parent in writing at the commencement of the compliance procedures of his or her own opportunity to participate and the impact on sanctions of that participation.
- .453 For purposes of this section, if a spouse or second parent is participating to avoid the sanction of the noncomplying parent, the exemption criteria for care of an ill or incapacitated member of the household pursuant to Section 42-712.46, or the care of a young child pursuant to Section 42-712.47 do not apply. Any other exemption or good cause criteria, as described in Sections 42-712 and 42-713 and compliance procedures described in Section 42-721, shall apply to the sanctioned parent's spouse or the family's second parent.
- .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 in accordance with Section 42-721.43.
- .455 If the sanctioned parent's spouse or the second parent is under his or her own sanction at the time of the first parent's sanction, the spouse or second parent shall not be provided the opportunity to avoid the first parent's sanction until the spouse or second parent's sanction is completed.

(§42-721.45)

104-7 ADDED 2/05

The following are the sanction procedures for the second parent in a two-parent assistance unit for which the basis for aid is unemployment:

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- When the county sends the NA 840 to the first parent, it must also send the WTW 4, Notice To Other Parent, to the second parent. The WTW 4 notifies the second parent that the county will contact him/her if he/she is required to participate in WTW.
- Once the first parent is sanctioned, the second parent must begin or increase hours of participation in WTW to avoid his/her own sanction unless the second parent has good cause for not participating.
- If the second parent refuses to participate, or starts participating but subsequently stops without good cause, he/she is sanctioned. The county must first send the NA 845 to the second parent instead of the NA 840 before imposing a sanction. The NA 845 informs the second parent how both the first and second parent can restore aid.
- Participation by the second parent does not cure the sanction imposed upon the first parent. Each parent must cure his/her own sanction.
- If the second parent complies with WTW after the first parent is sanctioned, and the first parent cures his/her sanction, then one parent may stop (or reduce hours of) participation without being subject to sanction.

(All County Letter 04-47, October 27, 2004)

#### 104-8

For families whose basis for deprivation is the absence or incapacity of a parent, only the noncomplying parent shall be removed from the assistance unit, and aid shall be continued to the remainder of the family. The CWD shall arrange for a protective payee in accordance with Section 44-309. (§42-721.46)

#### 104-9 ADDED 9/06

“An instance of noncompliance without good cause shall result in a financial sanction. This sanction shall terminate at any point if the noncomplying participant performs the activity or activities he or she previously refused to perform.” (Welfare and Institutions Code (W&IC) §11327.5(d))

#### 104-10

The county shall restore aid on the first day of the month following the date that the individual contacts the county to indicate his or her desire to end the sanction, after all of the following conditions are met:

- (a) The noncomplying person performs successfully completes the required welfare-to-work activity.

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- (b) The individual is determined to be in compliance with program requirements, and is otherwise eligible.

If the individual completes the activity after the first of the month following the date of the request to end the sanction, the county shall issue a supplemental payment, retroactive to the first of the month following the date of the request to end the sanction.

(§42-721.4 81)

#### 104-1 ADDED

5/16 Effective January 1, 2016, the county is prohibited from sanctions from being applied for a grieving CalWORKs recipient due to failure or refusal to comply with Welfare-to-work program requirements during the month in which a child in the assistance unit died, or the following month.

(Welf. & Inst. Code § 11321 (a); ACIN I-13-16, February 29, 2016.)

#### 105-1

Any student who, at the time he or she is initially required to participate in WTW activities, is enrolled in any undergraduate degree or certificate program that leads to employment may continue in that program if the student is making satisfactory progress in the program; the county determines that continuing in the program is likely to lead to self-supporting employment for the student; and the welfare-to-work plan reflects that determination. (W&IC §11325.23(a)(1); §42-711.541)

The time the recipient is "initially required to participate", as stated in §42-711.541, is defined as the earlier of the date the appraisal takes place or the date the recipient would have been appraised if the recipient had not failed, without good cause, to appear for the appraisal appointment. (§42-711.541(a); All County Letter No. 99-32, Question 1, April 29, 1999)

Students who possess a baccalaureate degree are not eligible for SIP participation unless the student is pursuing a California regular classroom teaching credential in a college or university with an approved teacher credential preparation program. (W&IC 11325.23; §42-711.542)

#### 150-2A

Enrolled in an undergraduate degree or certificate program means that an individual has applied for and been accepted into the degree or certificate program, and continues to meet or fulfill all conditions imposed by the institution offering the program, to maintain current enrollment status. (§42-711.549)

#### 105-2B

An SIP shall be determined to lead to employment if it is on a list of programs the County Welfare Department and local education agencies or providers agree lead to employment. The list must be agreed to annually with the first list completed no later than January 31, 1998. The

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list must be written, and available to the public, including CalWORKs participants, on request. (§42-711.543(a); All-County Letter No. 99-32, April 29, 1999)

For recipients whose program is not on the list, the CWD shall determine if the program leads to employment. The county shall inform recipients in writing of how they may show that a program not on the approved SIP list will lead to self-supporting employment. The recipient shall be allowed to continue in the program up to the time period specified in Section 42-716.11, if the recipient demonstrates to the CWD that the program will lead to self-supporting employment for that recipient and the documentation is included in the welfare-to-work plan.

(W&IC §§11325.23(a)(3)(A) and (B); §42-711.543(b))

#### 105-2C

When a WTW recipient wants to continue in an SIP which is not on the county approved list, and the county must allow a reasonable amount of time for the individual to provide documentation that the program will lead to employment. (All-County Letter No. 99-32, Question 4, April 29, 1999, interpreting §42-711.543(b))

#### 105-2D

Any recipient in any degree, certificate, or vocational program offered by a private postsecondary training provider will not be approved in a self-initiated training or education program unless the program is either approved or exempted by the appropriate state regulatory agency and the program is in compliance with all other provisions of the law. (§42-711.543(b))

#### 105-2E

If the county denies an individual's request to continue in an SIP, per §§42-711.541 or 42-711.542, the county shall notify the participant in writing that the SIP was denied, the reason(s) for the denial, and the right to appeal the denial. (§42-711.524)

#### 105-2F

**Question 4:** Can a SIP be limited to a program that is no longer than 12 months in order to be approved?

**CDSS Response:** No. As stated in MPP Section 42-711.541 and ACL 99-32, a SIP is approved based on the following criteria:

- 1) The individual is enrolled as of the date he or she is appraised, or the date he or she would have been appraised if he or she had not failed, without good cause, to appear for the appraisal appointment; and
- 2) The individual is making satisfactory progress in that program; and
- 3) The program will lead to self-supporting employment; and
- 4) The individual's WTW plan reflects this determination.

Program length is not part of the SIP approval criteria, and may not be used to determine eligibility for a SIP. An individual's SIP may not be denied, nor may the individual be required to

change to another program, because of the length of the individual's program. As stated in MPP Section 42-711.543, counties must annually compile a list of approvable programs in cooperation with local education providers, based on what available programs will lead to employment. Programs on this list are determined to lead to employment, and will meet the requirements of MPP Section 42-711.543. Counties are reminded that if a program is not on the list, the county must provide written notice to the student on how to establish that the program will lead to employment.

(All County Letter 14-47, August 4, 2014)

105-2G

**Question 8:** May an individual who has completed his or her education program continue to participate in a SIP if he or she is moving on to another education program? For example, an individual who has completed an associate degree or certificate program and wishes to transfer to a university to continue his or her education in the same field.

**CDSS Response:** The individual may be allowed to transfer; however, the program would not be a SIP. SIPs are available to an individual who is enrolled in a degree or certificate program at the time of appraisal, as described in MPP Section 42-711.541. An individual may continue their education if unable to find unsubsidized employment after completion of a SIP, and the county determines that further education is necessary. However, any programs after completion of a SIP would be WTW education activities.

An exception to this is if the individual's SIP is part of a structured education plan, as determined by the county and local education providers, which extended beyond the degree or certificate he or she was initially working toward. In this case the entire plan will be considered a single program for the purposes of MPP Section 42-711.541. The individual will need to meet all requirements, such as maintaining satisfactory progress, for the overall program, as well as for the specific school at which he or she is currently enrolled. For example, if a community college student is enrolled in an Associate Degree for Transfer Program, then the individual's program would be the bachelor's degree that the transfer program is designed to earn.

(All County Letter 14-47, August 4, 2014)

105-3

If participation in a SIP, as determined by the number of hours required for classroom, laboratory, or internship activities, is not sufficient to meet the individual's hourly participation requirement, the CWD shall require concurrent participation in work activities, pursuant to Sections 42-716.1(a) through (j) inclusive and in accordance with Section 42-711.5, to reach the hourly requirement.

Where there is no child in the home under six, the hourly participation requirement for individual in a SIP is an average of 30 hours per week during the month

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An individual in a SIP may participate for an average of at least 20 hours per week during the month if one of the following conditions are met:

- (1) There is a child under six in the assistance unit.
- (2) There is a child under six in the home who is not in the assistance unit but the adult recipient exercises responsibility for the day-to-day control of that child.

(§42-711.544)

#### 105-3A

The concurrent participation to meet the individual's hourly participation requirement shall not interfere with the SIP, and recipients must be informed that they are not required to accept any job that would interfere with the SIP. (All-County Letter (ACL) No. 99-32, Question 12, April 29, 1999)

#### 105-3B

**Question 5:** Two-parent families are allowed to split the 35-hour per week work participation requirement. Does this rule also apply if both parents want to be in SIPs?

**CDSS Response:** No. MPP Sections 42-711.421 and .421(b) explain that an adult participant in a two-parent assistance unit, whose basis for aid is unemployment, shall participate at least 35 hours per week, and that both parents may contribute to this requirement. However if participation in a SIP is not at least 30 hours for one parent in a two parent household, the CWD shall require concurrent participation in work activities, pursuant to MPP Sections 42-716.31(a) through (j) to reach the 30-hour requirement (MPP Section 42-711.544 and WIC Section 11334.8). If both parents qualify for SIPs, they each have a 30-hour per week participation requirement, and are each entitled to necessary supportive services.

(All County Letter 14-47, August 4, 2014)

#### 105-3C

**Question 6:** What is the requirement of the second parent in a two-parent household if the first is in a SIP?

**CDSS Response:** If only one parent is in a SIP, that parent has an individual requirement of 30 hours each week. The remainder of the 35 hours must be met by either the individual in a SIP or the other parent in the household. If the non-SIP parent is exempt or has timed out, then the SIP individual must meet the full 35 hours required for the household, unless the exempt individual chooses to volunteer. If the non-SIP parent is excluded from the AU and it is considered a single parent AU with a requirement of 20 hours, then the SIP hourly requirement is also 20 hours.

(All County Letter 14-47, August 4, 2014)

#### 105-3D

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The mandated weekly participation requirement for individuals in an SIP (§42-711.544) shall include hours spent in special classes or tutorials. The individual must have been evaluated as learning disabled (§42-711.58), and the educational institution must have determined that the classes or tutorials are necessary to mitigate barriers to educational success. (All-County Letter No. 99-32, Question 15, April 29, 1999)

105-3E

**Question 2:** Can non-credit study time be included as part of a SIP?

**CDSS Response:** No. Unless the individual receives academic credit for the study time, it is not one of the activities listed in MPP section 42-716.31(a) through (j), and may not be included in a SIP participant's WTW plan. MPP Section 42-711.544 and Welfare and Institutions Code (WIC) Section 11325.23(a)(2)(C) explain that if participation in a SIP, as determined by the number of hours required for classroom, laboratory, or internship activities does not meet the per week hourly participation requirements, the county shall require concurrent participation in specified WTW activities to reach the hourly participation requirement.

(All County Letter 14-47, August 4, 2014)

103-3F

**Question 10:** Are SIPs subject to the Welfare-to-Work 24-Month Time Clock?

**CDSS Response:** Yes, individuals in SIPs are WTW participants and subject to the Welfare-to-Work 24-Month Time Clock. However, many individuals in SIPs are able to meet CalWORKs federal standards through vocational education or concurrent activities such as unsubsidized employment or work study. In those situations, months would not count towards the Welfare-to-Work 24-Month Time clock. If an individual has exhausted his or her Welfare-to-Work 24-Month Time Clock, and does not receive an extension, he or she may continue in the approved SIP, but are also required to meet CalWORKs federal standards' core/non-core requirements through activities either related to the SIP, or assigned concurrently.

Counties are reminded that SIPs may not be denied if the SIP would extend past the individual's Welfare-to-Work 24-Month Time Clock. While an individual is required to meet CalWORKs federal standards after exhausting his or her Welfare-to-Work 24-Month Time Clock, the individual is still considered a SIP as long as they are making satisfactory progress.

(All County Letter 14-47, August 4, 2014)

105-3G

An assessment is not required to develop a WTW plan for participants in approved SIPs unless the county determines that an assessment is necessary to assign the participant to concurrent activities to meet the hourly weekly participation requirement. (§42-711.557)

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If no assessment is made, and the participant disagrees with the plan, the participant may request a state hearing. (All-County Letter No. 99-32, Question 16, April 29, 1999) If an assessment is made, and the participant and assessor disagree, the matter shall be referred to an impartial third party for an independent assessment, which is binding on the parties. Until the assessment has been performed, no state hearing shall be granted regarding the development of the employment plan. (§42-711.556)

#### 105-3H

Participation in the self-initiated education or vocational training program must be reflected in the required welfare-to-work plan. The welfare-to-work plan shall provide that whenever an individual ceases to participate in, refuses to attend regularly, or does not maintain satisfactory progress in the SIP, the individual shall participate in the welfare-to-work activities in accordance with Section 42-711.5. (§42-711.545)

#### 105-3I

An individual participating in a SIP can voluntarily choose to end his or her SIP at any time before the program is completed. If the individual indicates an interest in ending the SIP, the county should discuss what other welfare-to-work plan options the individual may have, including whether an assessment would be necessary. When necessary, an assessment pursuant to Section 42-711.55 must be conducted prior to the individual choosing to end his or her SIP in order for the individual to make an informed decision about the activities that would replace the SIP hours in his or her welfare-to-work plan. This discussion must be documented in the individual's case file. (§42-711.545(b))

#### 105-3J

**Question 9:** Can a county require an individual in a SIP to use financial aid to pay for transportation and ancillary expenses such as books?

**CDSS Response:** No. WTW participants, including those enrolled in SIPs, are entitled to all necessary supportive services detailed in MPP Section 42-750. Financial aid cannot be used for WTW supportive services unless the individual voluntarily signs a Student Financial Aid Statement Welfare to Work Supportive Services (WTW 8) form. Please see ACIN I-50-04, I-13-11, and ACL 10-09 for more information. CDSS encourages counties to enter into agreements with local community colleges to best manage available resources.

(All County Letter 14-47, August 4, 2014)

#### 105-3K

A recipient in an educational program that does not meet the criteria for approval as a SIP may continue until the beginning of the next educational semester or quarter break in his or her educational program if:

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- (a) He or she is enrolled as of the earlier of:
  - (1) The date he or she is appraised, or
  - (2) The date he or she would have been appraised if he or she had not failed, without good cause, to appear for the appraisal appointment;
- (b) He or she is making satisfactory progress in, the educational program;
- (c) He or she continues to make satisfactory progress in the program.

(§42-711.547)

#### 105-6

Recipients in unapprovable SIPs may be eligible to continue in those programs (per §42-711.547) until the next quarter or semester break, and if they are eligible, shall receive necessary supportive services during these periods. (All-County Letter No. 99-32, Questions 17 and 18, April 29, 1999)

#### 105-10A ADDED 9/08

For individuals who do not qualify for a SIP but are allowed to continue in an educational program until the beginning of the next educational semester or quarter break pursuant to MPP Section 42-711.547, counties are not obligated to reimburse or pay for supportive services until the date a WTW plan is signed. (All County Letter 08-36, July 28, 2008)

#### 105-10B

At the time the educational break occurs as provided in Section 42-711.547, the individual is required to participate in welfare-to-work activities pursuant to Section 42-711.51.

However, a recipient described under Section 42-711.547 who is not expected to complete the program by the next break, may continue his or her education provided:

- (1) He or she transfers at the end of the current quarter or semester to a program that qualifies for a SIP under Section 42-711.541;
- (2) The CWD determines that participation is likely to lead to self-supporting employment of the recipient; and
- (3) The welfare-to-work plan reflects that determination.

(§42-711.547)

#### 105-10C

**Question 1:** If an individual is enrolled in a community college at the time of appraisal, but has not been accepted into a degree or certificate program, must the request for a SIP be approved?

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**CDSS Response:** No, but an individual may still transfer into an approvable program. ACL 99-32 dated April 29, 1999, and Manual of Policies and Procedures (MPP) Section 42-711.549 explain that for purposes of Sections 42-711.541 and 42-711.547, “enrolled” means that an individual has applied for and been accepted into the degree or certificate program, and continues to meet or fulfill all conditions imposed by the institution offering the program, to maintain current enrollment status. If there are no formal acceptance procedures for the program, then enrollment status includes the declaration of a major. Therefore, if these criteria are not met, a request for a SIP shall not be approved. However, a student who is not in an approvable program at the time of appraisal, including a student who has not declared a major, may continue until the next education break, switch to an approvable program, and qualify as a SIP participant, as outlined in MPP Section 42-711.547. If the individual is completing general education, he or she must declare a major prior to the next education break in an approvable program. SIPs shall not be approved for individuals completing general education without a declared major.

(All County Letter 14-47, August 4, 2014)

#### 105-10D ADDED 9/08

In *Camacho v Allenby*, the Los Angeles County Superior Court issued an order that required reimbursement of supportive services incurred by a SIP participant prior to signing a WTW plan, but established limitations for such reimbursement. Reimbursement is due for all cases with SIPs approved as of April 7, 2008. Reimbursement must occur when the expense meets all of the following conditions:

- The expense was incurred after the beginning date of aid.
- The expense was necessary for participation during the academic period or term (semester or quarter) in which the SIP is approved.
- The expense is determined eligible under CalWORKs regulations.
- The expense was an unreimbursed out-of-pocket cost.

This requirement applies only to recipients whose educational programs are approved as SIPs pursuant to Manual of Policies and Procedures (MPP) Section 42-711.541.

(All County Letter 08-36, July 28, 2008)

#### 106-1 REVISED 8/12

Supportive services which are necessary for participation in the assigned program activity, or in order to accept or retain employment, shall be available to every participant, including those in SIPs. When necessary services are not provided, the individual will have established good cause for nonparticipation, under §42-713.21.

Supportive services must include childcare, transportation costs, ancillary expenses, and personal counseling. Payments for all such services, except for childcare, shall be advanced to the participant whenever necessary, and when desired by the participant. Requiring CalWORKs

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participants to use their income, income disregard or cash assistance payment to pay for supportive services violates state statutes and regulations. Nor are students required to use educational financial aid for supportive services.

(W&IC §§11323.2, 11325.23(d), and 11323.4(a); §42-750.1; §42-750.2; ACL No. 00-54, August 11, 2000)

#### 106-1A ADDED 10/04

Supportive services, including transportation, must be provided if they are necessary for a volunteer to participate in an activity which is part of the volunteer's WTW plan. (All County Letter 03-15, April 10, 2003)

#### 106-1B ADDED 6/04

Counties are required to provide necessary supportive services, including advance payment of supportive services to individuals participating in activities to cure a sanction. If the county cannot provide these supportive services, the individual has good cause for not participating in activities to cure the sanction. (All-County Letter 03-59, November 14, 2003)

#### 106-1C

The *Crary* lawsuit, which was filed under the Greater Avenues for Independence Program (GAIN) statutes, prohibited establishing caps or limits on supportive services. "State statute still does not permit counties to cap any supportive services costs."

While capping necessary supportive 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 Plan, a county could permit staff to authorize or pay up to a certain amount in supportive services 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.

(All-County Letter No. 00-12, February 7, 2000; §42-750.11)

#### 106-3A

Capping ancillary services is prohibited. However, there is no prohibition against a secondary review of proposed service costs beyond a predetermined level of expenditures. (All-County Letter 04-04, January 26, 2004)

#### 106-3C

Supportive services shall include child care as described in Manual of Policies and Procedures Chapter 47-100. (§42-750.111)

#### 106-3D ADDED 9/08

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Participants who take on-line courses and request subsidized child care services for the time they are completing their on-line coursework may be eligible for child care services provided that the on-line course is part of the approved WTW activity (MPP Section 47-220.21-.213). Child care services shall be provided based on the individual's need for the services, taking into account scheduling and other factors.

Counties cannot deny child care on the basis that the course could be taken during night hours when the children are sleeping.

(All County Information Notice I-47-08, July 29, 2008)

#### 106-4

Payments for transportation shall be governed by regional market rates as follows:

The participant shall use the least costly form of public transportation, including CWD provided transportation that would not preclude participation in welfare-to-work activities. Transportation using multiple transportation carriers may be necessary. Fixed rate public or private transportation may be authorized.

If there is no public transportation available which meets these requirements, participants may use their own vehicles. Participants shall be reimbursed at one of the following rates:

- (1) The county shall select an existing reimbursement rate used in the county, or
- (2) The county shall develop a rate that covers necessary costs.

The reimbursement rate may not include a "cap," or maximum monthly reimbursement amount, beyond which additional miles driven are not reimbursed.

Parking for welfare-to-work participants shall be reimbursed at actual cost. Participants shall submit receipts for this purpose, except in cases where parking meters are used.

Participants who voluntarily choose to use their own vehicles when public transportation is available shall be paid the public transportation rate.

(§42-750.112; All County Letter No. 00-54, August 11, 2000)

#### 106-4A

For parents of school-age children, if transporting children is a necessary supportive service in order for the parent to participate in his/her WTW activity, counties must provide payment or reimbursement as a CalWORKs transportation service. (All-County Letter No. 00-54, August 11, 2000)

#### 106-4B ADDED 12/08

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To ensure that welfare-to-work (WTW) participants receive the necessary supportive services to participate in the WTW program, counties must review the reimbursement rate used for CalWORKs participants' transportation expenses no less than once a year, update the rate when appropriate, and begin using the updated mileage reimbursement rate for CalWORKs participants at the time the rate is updated. During this review, the county must ensure that its transportation reimbursement rate reflects current regional market rates and covers necessary transportation costs. (All County Letter 08-41, September 29, 2008)

#### 106-4C ADDED 12/08

For reimbursing participants when they use a personal vehicle, counties must either: (1) select an existing rate used in the county, or (2) develop a rate that covers necessary costs. Both types of rates must cover necessary transportation costs based on regional market rates and should include the cost of gas, oil, insurance, license and registration fees, as well as a provision for normal wear and tear and maintenance.

If a county chooses to develop its own rate for CalWORKs participants, it may do any of the following:

- Establish a flat mileage reimbursement rate that covers all necessary costs.

- Establish a mileage rate that includes basic costs (i.e., gas, oil, insurance, license fees) and also provide separate payments or reimbursements for costs such as registration, and wear and tear and maintenance. In combination, the basic mileage rate and separate payments or reimbursements must cover necessary costs.

- Establish a two-tiered rate that decreases after necessary fixed costs have been covered, such as vehicle license fees. The lowered rate would cover continuing expenses, such as gas and oil (see ACL 03-15)

(All County Letter 08-41, September 29, 2008)

#### 106-8A REVISED 8/12

Counties must provide the least costly form of public transportation which would allow participation in WTW activities. If there is no public transportation available, or the round-trip travel time using public transportation exceeds two hours (not including time to transport family members to school or place providing care), the county must reimburse the participant using a private vehicle at a mileage rate used in the county or develop a rate that covers necessary costs.

The two-hour round trip includes the time it takes the individual to walk to public transportation from his/her home and from public transportation to the place of employment/activity but does not include the time to take a child to or from daycare or school. The reimbursement rate cannot include a "cap" or maximum amount beyond which additional miles are not reimbursed.

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If public transportation is available and round-trip travel time does not exceed two hours, the county must pay mileage to a participant who drives a private vehicle up to the amount that public transportation would cost.

(§§42-750.112(a) - (d); All County Letter No. 00-54, August 11, 2000); All County Letter No. 03-15 (April 10, 2003)

#### 106-8B ADDED 10/04

The county is required to reimburse transportation costs necessary for each approved WTW if there is more than one. (All County Letter 03-15, April 10, 2003)

#### 106-8C ADDED 10/04

The county is obligated to reimburse transportation costs for a participant's approved WTW activity including SIPs even though the participant crosses county lines and the amount of reimbursement seems excessive to the county. The county shall select a mileage reimbursement rate used in the county or develop a rate that covers necessary costs.

While the rate may not include a "cap", the county could establish a rate that decreases after a set number of miles under certain circumstances. The decrease in rate would have to be based on a regional market rate that is partly intended to reimburse participants for fixed costs such as license, registration and insurance on a per mile basis. (All County Letter 03-15, April 10, 2003)

#### 106-8D ADDED 10/04

The county must reimburse transportation costs to a participant who uses a vehicle that is not registered to the participant if the vehicle is necessary transportation to participate in WTW activities and if the participant is required to reimburse the owner of the vehicle or incurs expenses for using the vehicle. The amount of reimbursement depends on the participant's agreement with the vehicle's owner, but shall not exceed the county reimbursement rate. (All County Letter 03-15, April 10, 2003)

#### 106-8E ADDED 9/08

CalWORKs participants assigned to on-line courses are eligible for supportive services including transportation, ancillary expenses, and child care. For example, transportation would be needed for attending in-person examinations, and individuals may need to purchase books or software required by the on-line course. (All County Information Notice I-47-08, July 29, 2008)

#### 106-9

Ancillary expenses shall include the cost of books, tools, clothing specifically required for the job, fees and other necessary costs. (W&IC §11323.2(a)(3)) Tuition and school fees in the nature of tuition are not ancillary expenses and the county need not pay such costs when a person or entity, other than the county or county authorized entity, contracts for the training. (This prohibition against paying tuition only applies to SIPs. If a county includes an educational

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activity in the client's plan, and the client is not in a SIP, the county must pay for tuition for the client.) (§42-750.113)

#### 106-9A

Costs for elective classes must be paid by CalWORKs if the elective class counts toward the degree or certificate program that is part of an approved WTW plan. (All-County Letter 04-04, January 26, 2004)

#### 106-9B

A county must pay for clothing and shoes if those items are necessary for a participant to secure or obtain employment. (All-County Letter 04-04, January 26, 2004)

#### 106-9C

A person who has personal or family problems that would affect the outcome of the welfare-to-work plan shall, to the extent available, receive necessary counseling or therapy to help the person and the family adjust to the job or training assignment. (W&IC §11323.2(a)(4); §42-750.114, effective July 1, 1998) "To the extent available" means these services are available at no cost to the recipient, or the county develops a written policy authorizing payment for personal counseling. (§42-750.114(a))

#### 106-10

Educational loans or work study program awards shall be excluded from consideration when determining supportive services needs. (§42-750.4)

#### 106-10A

The CWD shall consider the availability of financial aid received by the participant in the form of educational grants, scholarships and awards when determining the need for welfare-to-work supportive services payments. However, the CWD shall not deny or reduce welfare-to-work supportive services if the participant indicates that the financial aid is not available to meet supportive services needs. (§§42-750.331 & .332)

#### 106-10B

Reimbursement for supportive services for SIPs shall be provided if no other source of funding for those costs is available. (§42-750.32)

#### 106-10C

The county may deny or reduce supportive services based on the participant's receipt of financial aid, including aid paid to SIP participants, "only when the participant agrees that the

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financial aid is actually available to cover the item(s) for which CalWORKs would otherwise pay." (All-County Letter No. 99-32, Question 19, April 29, 1999; §42-750.332)

#### 106-10E

Necessary supportive services cannot be denied or reduced based on the participant's receipt of financial aid unless the participant voluntarily chooses to use the financial aid to cover costs otherwise covered by CalWORKs supportive services. (All-County Letter 04-04, January 26, 2004)

#### 106-11

A county is responsible to pay for reasonable accommodations that are not otherwise provided by other sources if the items are necessary for the individual to participate on an equal basis with non-disabled participants in the approved WTW activity. (All-County Letter 04-04, January 26, 2004)

#### 106-11A REVISED 12/07

Counties shall take all reasonable steps necessary to promptly correct any overpayment or underpayment of supportive services payments to a recipient or a service provider, consistent with CDSS procedures. (W&IC §11323.4(b))

#### 106-11B

The CWD shall take all reasonable steps necessary to promptly correct any overpayment or underpayment of transportation and ancillary supportive services payments to a recipient or a service provider consistent with these regulations. (§42-751.11)

#### 106-11C

When the county has determined that an overpayment for transportation or ancillary support services has occurred, the county shall calculate the amount of the overpayment. The county may use recovery methods, as set forth in §42-751.4(e), which result in the maximum recovery without interfering with program participation, and may use these recovery methods concurrently. (§42-751.2)

#### 106-11D

The county "shall initiate recovery within 30 calendar days of the date the overpayment [of transportation or ancillary support services] is first discovered by notifying the individual in writing" of the overpayment and that the individual must contact the county within ten days. (§42-751.4(c))

If the individual is a current WTW participant, and either does not respond to the written notice within 10 calendar days, or fails or refuses or enter into a repayment agreement, the county may adjust the current WTW supportive payment service per §42-751.4(g) unless the deferred repayment provisions of §42-751.4(d) apply. (§42-751.4(c)(1)(A))

The overpayment notice shall include:

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1. The name of the overpaid person.
2. The amount owed.
3. The reason for the claim.
4. The period of time the claim covers.
5. The participant's right to a state hearing.
6. The reason repayment may be deferred under §42-751.4(d).
7. A statement that recovery will occur through adjustment of the supportive service payment if the individual fails to respond within 10 days.

(§42-751.4(c)(1)(B))

#### 106-12A

Collection of overpayments of transportation and ancillary support services is governed by the following regulations:

- (a) If the individual is no longer receiving aid under CalWORKs, recovery of overpayments shall not be attempted when the outstanding overpayments are less than \$35.
- (b) If the overpayment is the result of fraud, the county shall attempt to recover the overpayment in all situations, including (a).
- (c) The collection and recovery of overpayments shall be deferred if it is not cost effective to pursue collection. If the county elects to defer collection, it shall notify the individual of that decision.

(§42-751.4)

Overpayments are collectible, after written notification of the amount and that repayment is required, using reasonable cost-collection methods, as set forth below:

- (1) Balancing.

When an individual has both an overpayment and an underpayment, the CWD may offset one against the other, subject to the provisions specified in Section 42-751.4(g).

- (2) Voluntary Cash Recovery.

The CWD shall accept any voluntary cash payment from an individual to pay any portion of an existing overpayment.

- (3) Grant adjustment.

The individual shall be permitted to have supportive services overpayments adjusted from the CalWORKs grant when the individual is receiving CalWORKs, provided the

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individual chooses this method of recovery and agrees with the amount of the CalWORKs grant adjustment.

(§42-751.4(e))

106-13

The county plan required by Section 10531 shall include a plan for the development of mental health employment assistance services, developed jointly by the county welfare department and the county department of mental health. The plan shall have as its goal the treatment of mental or emotional disabilities that may limit or impair the ability of a recipient to make the transition from welfare-to-work, or that may limit or impair the ability to retain employment over a long-term period. (W&IC §11325.7(b))

106-13A

The CWD shall make mental health treatment services available, when necessary, to enable participants to make the transition from welfare-to-work pursuant to the mental health assessment conducted under Section 42-711.56. (§42-716.2)

106-13B REVISED 7/06

Subject to specific expenditure authority, mental health services shall include all the following elements:

1. Assessment, to identify the level of the participant's mental health needs and the appropriate level of treatment and rehabilitation.
2. Appropriate case management, as determined by the county.
3. Treatment and rehabilitation services, including counseling necessary to overcome mental health barriers to employment, or to retaining employment. These services shall be coordinated with the participant's welfare-to-work plan.
4. A person with a secondary diagnosis of substance abuse who is referred for mental or emotional disorders shall also have the substance abuse treatment needs addressed by the welfare-to-work program.
5. A process by which the county can identify those with severe mental disabilities that may qualify them for aid under Chapter 3, Division 9, Part 3 of the W&IC, commencing with §12000. This chapter, the State Supplementary Program (SSP) for Aged, Blind and Disabled, includes aid payments, services, and in-home supportive services.

(W&IC §11325.7(c); §42-716.21 HANDBOOK)

106-16

The county plan required by W&IC §10531 shall include a plan for the provision of substance abuse treatment services. Those plans shall include evaluation, substance abuse treatment, employment counseling, provision of community service jobs, or other appropriate services. (W&IC §11325.8(a); §42-716.3)

106-17

The CWD shall provide, in conjunction with the county alcohol and drug program or a state-licensed or certified nonprofit agency under contract with the county alcohol and drug program, substance abuse treatment services which shall include evaluation, treatment, employment counseling, provision of community service jobs, or other appropriate services.

If, based on the evaluation required in Section 42-711.57, a participant is determined to have a substance abuse problem, the CWD shall offer the individual two opportunities to receive substance abuse treatment. At its option, the CWD may offer the individual additional treatment opportunities.

(§42-716.3)

106-18

Individuals shall be eligible to participate in Family Stabilization if in the course of appraisal, or at any point during an individual's participation in welfare-to-work activities, the CWD determines their family is experiencing an identified situation or crisis that is destabilizing the family and would impair their ability to be regularly employed or participate in welfare-to-work activities.

A situation or a crisis that is destabilizing the family may include, but shall not be limited to the following:

- (a) Homelessness or imminent risk of homelessness.
- (b) A lack of safety due to domestic abuse pursuant to Section 42-715.
- (c) Untreated or undertreated behavioral needs, including mental health or substance abuse-related needs.

(W&IC §11325.24; §42-749.1)

106-18A

Each CWD shall submit to the CDSS a plan, as defined by the CDSS, regarding how it intends to implement the provisions of this section. Family stabilization services provided to individuals are to be described in the CWD Family Stabilization plan. If a CWD makes significant changes to its Family Stabilization program, a revised CWD Family Stabilization plan must be submitted to the CDSS as they occur. (§42-749.2)

106-18B

Family stabilization services may be offered to the family in addition to those barrier removal services otherwise provided by a CWD's Welfare-to-Work Program. CWDs may offer housing and other needed services for any month in which a family is participating in the Family Stabilization Program. (§42-749.3)

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Each CWD shall provide intensive case management to individuals who are eligible for Family Stabilization. (§42-749.4)

#### 106-18C

Upon determination that a family qualifies for Family Stabilization, the CWD shall develop a Family Stabilization plan for the family. CWD Family Stabilization case managers shall develop a comprehensive plan that assists the family in resolving the identified situation or crisis. CWDs shall ensure that all staff developing Family Stabilization plans are provided all applicable training, and have the experience and skills necessary to provide support to families and individuals in crisis. (§42-749.51)

#### 106-18D

For the purposes of beginning to count months toward the Welfare-to-Work 24-Month Time Clock, an individual Family Stabilization Plan shall be used in place of a welfare-to-work plan as described in Section 42-708.22. (§42-749.52)

#### 106-18E

In a two-parent household, all adults are required to have an individual Family Stabilization plan if determined eligible pursuant to this section. (§42-749.53)

#### 106-18F

Individuals participating in Family Stabilization are not subject to the minimum hourly Welfare-to-Work participation requirements for so long as the individual complies with the requirements of their Family Stabilization plan. (§42-749.61)

#### 106-18G

Months that individuals participated in the Family Stabilization Program shall not count toward their Welfare-to-Work 24-Month Time Clock, pursuant to Section 42-708.322, for up to six cumulative months if the CWD makes a determination of good cause, in accordance with Section 42-713. (§42-749.62)

#### 106-18H

Family Stabilization participants must not be sanctioned as a direct result of failing to comply with their Family Stabilization plan. Family Stabilization participants refusing or unable to follow their Family Stabilization plans, without good cause are to be returned to the traditional Welfare-to-Work Program. (§42-749.63)

106-18I

Section 42-711.535 shall apply to individuals who are participating in Family Stabilization as an initial engagement activity.

For an individual who was participating in a welfare-to-work plan, the CWD shall make a determination as to whether the individual's prior welfare-to-work plan is still appropriate or if, as a result of Family Stabilization, his or her situation has changed and the individual requires reassessment and a new welfare-to-work plan.

(§42-749.7)

106-19 ADDED

1/15If provided in the county plan, the County Welfare Department may provide job retention services to employed former CalWORKs recipients for a period of up to 12 months, whether or not the former recipients have exhausted their CalWORKs 48-month time limits. The purpose of job retention services is to assist former recipients to retain employment or to obtain a better job. Job retention services may include but are not limited to case management, mental health and/or substance abuse services, domestic abuse services, parenting classes, vocational training, and supportive services (transportation, ancillary). (§§42-717.1 and .3)

The County Welfare Department may provide job retention services to the extent that the services are: 1) not provided by the employer or the entity that arranged the job placement, if other than the county; 2) not available from other sources; and 3) needed for the individual to retain employment, or needed to advance to new employment that may provide greater income or better benefits. (§42-717.2)

If the County Welfare Department decides to offer services to former recipients under Section 42-717, the County Welfare Department:

- 1) May establish eligibility criteria for those services in addition to the eligibility criteria contained in Sections 42-717.1 and .2. If additional criteria are established, they must be reflected in the County Plan (see Section 42-780).
- 2) Shall adopt written policies determining the duration and types of, and, when applicable, the reimbursement rate for, those services.

(§§42-717.4, .41, and .42)

107-1

The major program requirements of the Cal-Learn program are:

- .21 Each teen parent will be required to attend full-time school programs that will lead to a high school diploma or equivalent until he/she earns either or turns 19 years old.

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- .22 An AU with a teen parent(s) will receive up to four \$100 bonuses in a 12-month period for each teen parent that makes satisfactory progress in his/her school program.
- .23 Each teen parent receiving a high school diploma or its equivalent within the month he/she turns age 19, or turns 20 years old for a voluntary 19-year-old participant, will receive a \$500 bonus.
- .24 An AU with a teen parent(s) will receive a \$100 sanction up to four times in a 12-month period for each teen parent who fails, without good cause, to make adequate progress in his/her school program.
- .25 Child care, transportation, and ancillary expense payments will be provided to enable a teen parent to continue in or enroll in school.
- .26 Intensive case management services modeled on the Adolescent Family Life Program will be provided.

(§42-762.2)

#### 107-1A ADDED

6/11Based on the provisions of SB 72, the Cal-Learn Program was suspended from July 1, 2011 to June 30, 2012. Effective July 1, 2011, all pregnant and parenting teens who were under the age of 20 shall be required to participate in the CalWORKs WTW program. Participation requirements pursuant to MPP Section 42-711.3 were applied to this population, not just 19-year old custodial parents. MPP Section 42-711.3 requires teen parents who do not have a high school diploma or equivalent to participate in WTW only to earn a high school diploma or its equivalent with specified exceptions (e.g. inability to successfully complete or benefit from school due to a learning disability or medical problem, or the teen qualifies for a self-initiated program). (All County Letter No. 11-36, April 21, 2011, SB 72, January 2011.)

#### 107-1B

The suspension of the Cal-Learn Program ended effective July 1, 2012 and counties were required to transition participants back into the program by April 2013. (All County Letter No. 12-60, October 31, 2012)

#### 107-4

Individuals who have entered the Cal-Learn Program who are pregnant with no other children shall be eligible for CalWORKs and the pregnancy special need payment under §44-211.6 during their first and second trimesters of pregnancy. (§42-762.7)

Pregnancy is verified under §80-301m.(2). (§42-763.114)

#### 107-6

If the county discovers that a pregnant or parenting teen should have been enrolled in Cal-Learn and was not, the county should take immediate action to correct the error and any underpayment, and refer the teen to the Cal-Learn Program. This includes pregnant or parenting 18-year-olds who are mandatory Cal-Learn participants and were erroneously referred to the CalWORKs Welfare to Work (WTW) Program.

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Specifically, the following actions should be taken:

- > The county should deem notification, as required by §42-764.1, to have occurred as of the date the teen would have been noticed, if the teen had been properly referred to the Cal-Learn Program.
- > Bonuses that would have been issued as required by §42-769.1 during the time the teen was erroneously not in Cal-Learn should be restored. For the purpose of determining bonuses, the 90-day participation period specified in §42-766.334 shall apply beginning the date the teen would have been notified, absent the error.
- > The teen should be reimbursed for any childcare, transportation, and ancillary expenses incurred during this time in accordance with §42-765.1.
- > These retroactive payments for bonuses and supportive services will not be considered income or property in the month received or the following month (§44-340).
- > Retroactive Cal-Learn bonuses cannot be used to offset any CalWORKs overpayment (§42-769.125). However, a CalWORKs recipient may voluntarily repay a supportive services overpayment through a cash aid grant adjustment (§42-751(e)(3) for transportation and ancillary expenses, and §47-440.12 for childcare costs).
- > No sanction shall be retroactively applied since the teen lacked proper notice and the supportive services to help motivate him/her to make adequate progress in school.
- > Existing Cal-Learn notices of action forms and messages are to be used to inform the teen of retroactive payments for bonuses and supportive services costs.
- > If a teen parent was erroneously referred to the CalWORKs WTW Program, any months that were counted toward his or her 18 or 24 month time clock must be reversed.

(All-County Information Notice No. I-10-02, February 22, 2002)

#### 108-1

The right to state hearings continues under the state welfare reform provisions enacted by Assembly Bill No. 1542. While the guidelines established maximum county flexibility in the implementation of welfare-to-work activities, participants continue to have all existing due process rights. This includes requesting a state hearing to review county procedures developed to implement the welfare-to-work provisions. (W&IC §10950; All-County Letter No. 97-73, p. 9, October 29, 1997)

#### 108-2

Whenever a participant believes that any program requirement or assignment is in violation of his or her welfare-to-work plan or is inconsistent with Article 3.2 (commencing with §11320) of the W&IC, the participant may request a state hearing pursuant to the provisions of W&IC §10950-10967 (as implemented in §22-000 et seq.), or in most cases utilize a formal grievance

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procedure to be established by the county board of supervisors and specified in each county plan. (W&IC §11327.8(a); §42-721.51)

#### 108-2A REVISED 8/05

A participant shall not utilize the grievance procedure to appeal the results of an assessment pursuant to W&IC §11325.4. (W&IC §11327.8(b))

W&IC §11325.4 deals with assessments, and specifies that when the assessor and participant cannot reach agreement, the matter shall be referred to an impartial third party for an "independent assessment". Such independent assessment shall bind the county and the participant. (W&IC §11325.4(c)(1); §42-711.556(a),)

No state hearing shall be granted regarding the development of an employment plan until an independent assessment has been performed.(§42-711.556(a)(1))

#### 108-3

A participant who is not satisfied with the outcome of a grievance procedure may appeal the decision in accord with the procedures set forth in W&IC §10950 and following, and Division 22 of the MPP. Participants shall be subject to sanctions pending the outcome of the formal grievance procedure or any subsequent appeal "...only if they fail to participate during the period the grievance procedure is being processed." (W&IC §11327.8(b); §§42-721.511(e) and 42-721.512(e), effective July 1, 1998)

#### 108-4

If a participant is not satisfied with a state hearing decision, and the decision deals with on-the-job working conditions or workers' compensation coverage, the participant may file a further appeal with the United States Department of Labor, as provided by federal law. (W&IC §11327.8(c); §42-721.511(d)) Effective September 13, 1999, the appeal of the decision is to the "appropriate state regulating agency." (§42-721.511(d))

Nothing in W&IC §11327.8(c) states that a dissatisfied participant is precluded from requesting a rehearing, or filing a writ of mandate with the superior court. (W&IC §§10960 and 10962; §42-721.511(b))

#### 108-5 ADDED 6/04

Recipients have a 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.

If the recipient requests a state hearing to dispute a compliance plan, the county may not take action on the sanction until the issuance of the hearing decision.

If an individual appeals his/her sanction through the state hearing process in a timely manner, the sanction may not be imposed until a state hearing decision sustaining the county action is issued. In these cases the county must continue to pay cash aid (§42-721.511(c)) and

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necessary child care as long as the individual is otherwise eligible (§47-220.32) pending the hearing decision.

(All-County Letter 03-59, November 14, 2003)

108-5A ADDED 6/04

If a recipient appeals a sanction through the state hearing process within the period of timely notification, no sanction shall be imposed until the hearing decision is reached.

Should the hearing decision be in favor of the county, cash aid that was paid is not considered an overpayment. The sanction is deferred and not imposed until after receipt of the hearing decision.

(§42-721.44; All-County Letter 03-59, November 14, 2003)

108-7

In reviewing whether the Department of Transportation's action to rescind the passive restraint requirement for automobile manufacturers was "arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law," the U.S. Supreme Court applied the following analysis:

"The scope of review under the 'arbitrary and capricious' standard is narrow and a court is not to substitute its judgment for that of the agency. Nevertheless, the agency must examine the relevant data and articulate a satisfactory explanation for its action including a 'rational connection between the facts found and the choice made.' *Burlington Truck Lines v. United States*, 371 U.S. 156, 168, 83 S.Ct. 239, 245-246, 9 L.Ed.2d 207 (1962). In reviewing that explanation, we must 'consider whether the decision was based on a consideration of the relevant factors and whether there has been a clear error of judgment.' *Bowman Transp. Inc. v. Arkansas-Best Freight System*, supra, 419 U.S., at 285, 95 S.Ct., at 442; *Citizens to Preserve Overton Park v. Volpe*, supra, 401 U.S., at 416, 91 S.Ct., at 823. Normally, an agency rule would be arbitrary and capricious if the agency has relied on factors which Congress has not intended it to consider, entirely failed to consider an important aspect of the problem, offered an explanation for its decision that runs counter to the evidence before the agency, or is so implausible that it could not be ascribed to a difference in view or the product of agency expertise. The reviewing court should not attempt itself to make up for such deficiencies: 'We may not supply a reasoned basis for the agency's action that the agency itself has not given.' *SEC v. Chenery Corp.*, 332 U.S. 194, 196, 67 S.Ct. 1575, 1577, 91 L.Ed. 1995 (1947). We will however, 'uphold a decision of less than ideal clarity if the agency's path may reasonably be discerned.' *Bowman Transp. Inc. v. Arkansas-Best Freight System*, supra, 419 U.S., at 286, 95 S. Ct. 106 (1973) (per curiam)"

(*Motor Vehicle Mfrs. Ass'n v. State Farm Mutual*. (1983) 463 U.S. 29, 43, 103 S.Ct. 2856, 2866)

108-7A

In the June 1995 UCLA Law Review, Professor Michael Asimow discusses review of California administrative agency actions which allow discretion to the agency.

"In exercising discretion, an agency generally must consider and balance various factors established by statute, constitution or common law. A reviewing court decides

independently whether the agency considered all of the legally relevant factors and whether it considered factors that it should not have considered.” [Footnotes omitted] “Within the legal limits constraining an agency’s discretion, the agency has power to choose between alternatives. A court must not substitute its judgment for the agency’s, since the legislature delegated discretionary power to the agency, not to the court. Nevertheless, a court should reverse if an agency’s choice was an abuse of discretion. [Footnotes omitted] Review for abuse of discretion consists of two distinct inquiries: the adequacy of the factual underpinning of the discretionary decision and the rationality of the choice.” [Footnotes omitted] (Asimow, Michael, 42 UCLA Law Review 1157, 1228, 1229, June 1995)