

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814



March 18, 1991

ALL-COUNTY INFORMATION NOTICE I-28-91

TO: ALL COUNTY WELFARE DIRECTORS  
ALL COUNTY GAIN COORDINATORS

SUBJECT: REVISIONS TO THE AB 312 REGULATIONS

REFERENCE: ALL-COUNTY LETTER 90-111

As you know, emergency regulations which implemented Assembly Bill (AB) 312, Chapter 1568, Statutes of 1990, were filed with the Secretary of State effective October 1, 1990. Public hearings on these regulations were held in November 1990, following which changes were made to the regulations. The final regulations, containing these changes, were filed with the Secretary of State effective February 27, 1991.

The purpose of this All-County Information Notice is to transmit descriptions of the significant differences between the October 1, 1990 regulations and the February 27, 1991 regulations.

If you have any questions, please contact your GAIN and Employment Services Operations analyst.

A handwritten signature in cursive script, appearing to read "D. J. Boyle".

DENNIS J. BOYLE  
Deputy Director

Attachment

cc: CWDA

## THE GAIN COUNTY PLAN

### Section 42-720.324(a)

This section was amended to add a new requirement. The section formerly required that Counties must, in their GAIN Plans, specify the groups of potential participants they plan to target for services consistent with the priority groups listed in sections 42-720.632 and .633. The new requirement is that Counties must explain in their plans why they chose their targeted groups.

### Section 42-720.633(a) and (b)

These sections were amended to clarify existing requirements. The new language clarifies that if existing participants who are target population members must be removed from GAIN, their volunteer status must be based on whether they volunteer for continuing participation at the time they are notified of a reduction.

## GAIN JOB, TRAINING AND EDUCATION SERVICES

### Section 42-730.1

This section was amended to clarify that County welfare departments (CWDs) shall enter into contracts or agreements for provision of GAIN job, training, and education services not provided directly by CWDs. This amendment was necessary to ensure that progress determination requirements are met regardless of the service's funding source.

## SUPPORTIVE SERVICES

### Section 42-750.37

This section was revised to include acceptance of a job as one of the situations when GAIN-paid child care is available during gaps in participation. This provision will ensure child care is provided during the period between the end of GAIN participation and the beginning of transitional child care.

## SUPPORTIVE SERVICES - ADVANCES

### Sections 42-750.621, .622, .623 and .624

These sections were added to clarify that when a supportive services advance payment is not supported by proof of costs, the entire amount of the advance is to be collected; to require the

County to assist an individual in securing proof of costs and to accept an individual's sworn statement under penalty of perjury if the individual is unable to provide such proof; and, to provide Counties with examples of items that could be accepted as proof of costs for supportive service advance payments. The last three additions should assist in limiting the number of unused portions of advances that could result in overpayment recovery efforts. (Former Sections 42-750.621, .622, .623, and .624 were renumbered to 42-750.625, .626, .627, and .628, respectively.)

Section 42-750.625 (formerly 42-750.621)

This section was revised to clarify the federal JOBS limitations for recoupment of supportive services. Child care payments can be recouped only from future child care payments; transportation and ancillary expense payments can be recouped only from future transportation and ancillary expense payments. A similar revision was made to Section 42-751.443. (The language of former Section 42-750.625 was deleted.)

Sections 42-750.627(b) and 42-751.31

Section 42-750.627(b) was revised to cross-reference the general overpayment recoupment procedures in Section 42-751. Section 42-751.31 was revised to specify that Counties must send an initial overpayment notice to individuals who are deferring repayment of an unused portion of a supportive services advance.

SUPPORTIVE SERVICES - OVERPAYMENTS

Section 42-751.311

This section was revised to add a new provision regarding use of the payment adjustment recovery method. The previous provision required that this method be used only when individuals do not respond to the initial overpayment notice. The new provision requires that this method also be used for those individuals who respond to the initial overpayment notice, but who fail or refuse to enter into a repayment agreement. This additional provision will assist in assuring that unused portions of advances are recouped.

Section 42-751.321(a)(1)

This section was revised to require that CWDs notify individuals who have overpayments of the deferred repayment criteria. The State-developed overpayment forms satisfy this requirement.

Section 42-751.432

This section was added to allow individuals who voluntarily agree to repay an overpayment through an AFDC grant adjustment to revoke this agreement at any time and enter into a new repayment agreement.

## GAIN BASIC PARTICIPANT CONTRACT REQUIREMENTS - SIPs

Section 42-772.4

This section was revised to remove the limit that a Self-Initiated Program (SIP) can be approved only if the individual is enrolled in or attending the program at the time of initial appraisal. This limit was not clearly permitted in State law.

Approvable SIPs now also include those where an individual who has been deferred from participation in GAIN prior to assessment enrolls in a vocational training or education program during the deferral.

## GAIN BASIC PARTICIPANT CONTRACT REQUIREMENTS - TEEN PARENTS

Section 42-772.742

This section was revised to require that after the education plan for a 16 or 17 year old custodial parent has been written by the school, the CWD must verify that it has been prepared, and annotate the verification in the case record.

This amendment has been added in recognition that at the time of appraisal, when the CWD and the teenage parent sign the basic contract for an educational activity, the required education plan may not have been completed by the school. It is not required that the plan be physically attached to the contract nor that a copy of the plan be in the case record. However, the CWD must verify when the plan has been completed.

## CAUSE DETERMINATION AND CONCILIATION

Sections 42-781.211(h) and .22

These sections were revised to permit one reschedule of the initial cause determination interview if the individual contacts the CWD within one working day following the scheduled interview. These revisions will give participants until the working day following the initial cause determination interview to request a reschedule of this appointment.