

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, California 95814



April 10, 2003

ALL COUNTY LETTER NO. 03-15

TO: ALL COUNTY WELFARE DIRECTORS
ALL COUNTY WELFARE TO WORK COORDINATORS
ALL COUNTY TRANSPORTATION COORDINATORS

**REASON FOR THIS
TRANSMITTAL**

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

SUBJECT: QUESTIONS AND ANSWERS RELATING TO CALIFORNIA WORK OPPORTUNITY AND RESPONSIBILITY TO KIDS (CalWORKs) WELFARE-TO-WORK TRANSPORTATION SERVICES

REFERENCE: ALL COUNTY LETTERS (ACL) No. 00-54, 00-12, AND 90-102

Over the past year, a workgroup comprised of Department staff, advocates, and county representatives have been meeting to address California Work Opportunity and Responsibility to Kids (CalWORKs) supportive services issues. The workgroup has identified a number of issues related to the provision of transportation services for CalWORKs participants including reimbursement of transportation expenses, clarifying the purposes of transportation Notices of Action (NOAs), and other transportation policy issues.

The purpose of the attached list of questions and answers is to respond to questions that have been raised about transportation services. Some of the questions were addressed in ACL No. 00-54. However, the attached list provides further clarification to previously asked questions, as well as other transportation questions that surfaced through the workgroup.

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

Sincerely,

**Original document signed by
Bruce Wagstaff on April 10, 2003**

BRUCE WAGSTAFF
Deputy Director
Welfare to Work Division

Attachment

CalWORKs Transportation Questions and Answers

Introduction

The goal in providing necessary transportation services is to assist CalWORKs participants in commuting to and from Welfare-To-Work (WTW) activities or employment. There are various transportation services available to participants. Therefore, it is important that counties evaluate each participant's transportation needs to ensure they are receiving the transportation services necessary to successfully participate in approved WTW activities and employment.

Every individual participating in an approved WTW activity, including employment, is eligible to receive necessary transportation supportive services. Counties should inform participants of the various transportation services available in the county and explain these services. Transportation services may vary among counties and can include, but are not limited to, bus passes, mileage reimbursement, van pools, car repairs, car ownership programs, and parking.

Participation

- Q. Are there a minimum number of participation hours required of a CalWORKs participant in order to receive transportation services?
- A. No. Manual of Policies and Procedures (MPP) Section 42-750.11 states that necessary supportive services, including transportation, shall be available to every participant in order to participate in the program activity to which he or she is assigned or to accept or retain employment. Also, as indicated in MPP Section 42-711.632, a participant's WTW plan must include a description of the supportive services necessary for the recipient to participate in WTW services. Transportation services should be provided to the participant in accordance with the participant's WTW plan.

Reimbursement

- Q. Can counties require all participants to use the same mode of transportation?
- A. No. Counties should explore the various options available for transportation in their county. Participants should be informed of those options, such as mileage reimbursement and public transportation.

Q. When is it appropriate to pay mileage?

A. 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 a total of two hours (not including the time necessary to transport family members to a school or place providing care), the county must reimburse a 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 travel time includes the time it takes the individual to walk to public transit from the place of residence and from public transit to the activity/employment. The reimbursement rate cannot include a “cap” or maximum amount beyond which additional miles driven are not reimbursed.

If public transportation is available and the participant’s round-trip travel time using public transportation does not exceed two hours and the individual chooses to use a private vehicle, the county must pay mileage to a participant who drives that vehicle up to the amount that public transportation would cost. However, if the mileage rate is less than the cost of public transportation, a participant who drives a private vehicle would receive the lesser amount (MPP Sections 42-721.313 and 42-750.112).

Q. If a participant is engaged in more than one CalWORKs WTW activity as part of his or her approved WTW plan, is the county required to reimburse the participant’s transportation costs to attend each activity?

A. Yes. The county is required to reimburse transportation costs necessary for participation in each approved WTW activity. Pursuant to ACL No. 00-54, CWDs are to provide CalWORKs participants with supportive services, including transportation, that are necessary for the participant to obtain or retain employment or to participate in assigned WTW activities. Furthermore, the MPP Section 42-750.11 indicates that if necessary supportive services are not available, the participant will have good cause for not participating.

Q. A participant commutes across county lines in order to participate in an approved WTW activity. Based on the county’s mileage reimbursement rate, the county estimates transportation for this commute will cost approximately \$1600 per month. This amount seems excessive. Is the county obligated to reimburse the participant for these transportation costs?

A. Yes. The county is obligated to pay transportation reimbursement costs for the participant’s approved activity including SIPs (Self Initiated Program), even though the participant crosses county lines and the amount seems excessive to the county. Based on MPP Section 42-750.112, if public transportation is not an option, participants may use private vehicles to participate in an approved WTW activity. The county shall select a mileage reimbursement rate used in the

county or develop a rate that covers necessary costs that are based on regional market rates. The rate cannot include a “cap” or maximum monthly reimbursement amount beyond which additional miles driven are not reimbursed.

ACL No. 00-12 and MPP Section 42-750.112 specify that “capping” or limiting supportive services is prohibited. “Capping” means imposing a limit on the amount the county will pay a participant, even though the services are necessary for the individual to participate in WTW activities, and the cost of the services does not exceed the established rate.

To avoid excessive transportation reimbursement costs, 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 the fact the regional market rate is partly intended to reimburse participants for fixed costs such as vehicle license, registration, and insurance on a per mile basis. After the monthly cost of these expenses has been fully reimbursed, the per mile reimbursement rate could be decreased to the regional market rate for continuing expenses such as gas and oil.

However, before the county implements a new or changes an existing transportation reimbursement rate, the county must identify any changes to the rate in their County Plan and submit the proposed changes to the State for review and certification. New policies must be in writing, include a description of the change and how it was developed, and must be made available to the public upon request (MPP Section 42-780).

- Q. A county wants to develop a transportation reimbursement rate for CalWORKs participants. What elements must be included in the transportation reimbursement rate?
- A. According to MPP Section 42-750.112, if public transportation is not available or precludes participation in WTW activities pursuant to MPP Section 42-721.313, participants may use private vehicles. The county can select a reimbursement rate used in the county or develop a rate that covers necessary costs. Necessary costs must be based on regional market rates and should include the cost of gas, oil, insurance, license fees, and registration fees. A provision should also be made for normal wear and tear and maintenance.
- Q. Can the county reimburse a participant for parking at a parking meter to attend a WTW activity? If so, how is the amount to reimburse the participant verified?
- A. According to MPP Section 42-750.112(c), parking for WTW participants must be reimbursed at actual cost. Participants must submit receipts for this purpose, except in cases where parking meters are used. All parking that causes the participant to incur an expense, including parking meters and coin lots, are transportation costs that must be reimbursed if necessary for the client to participate in a WTW activity or employment. The county can verify the expense

of a parking meter or a lost parking lot receipt by use of a written declaration from the participant indicating the amount paid.

- Q. Can a participant be reimbursed for mileage when using a vehicle not registered to the participant in order to participate in a WTW activity?
- A. Yes. The county must provide reimbursement when the participant uses a vehicle that is not registered to the participant in order to participate in an approved activity, if the participant is required to reimburse the owner of the vehicle or incurs an expense for using the vehicle. The amount of the reimbursement depends on the participant's agreement with the owner of the vehicle, but shall not exceed the county's reimbursement rate identified in the County Plan. The county has the option to request a written declaration from the participant regarding the reimbursement agreement with the owner of the vehicle.
- Q. Within what time period is a county required to reimburse a participant for transportation costs?
- A. A participant should be reimbursed as soon as administratively possible. The time in which the participant is reimbursed should not impede the participant's participation in a WTW activity or employment. Additionally, MPP Section 42-750.21 specifies that necessary supportive services are to be advanced to a participant whenever necessary and desired by the participant so that the participant does not use personal funds to pay for these costs. The exception to paying the participant in advance is when the participant states it is not necessary or desired to prevent the participant from using personal funds.

Lost /Stolen Transportation Vouchers or Payments

- Q. What is the State's policy on replacement of transportation vouchers and payments?
- A. Counties must issue replacement warrants within five working days after a recipient has filed a proper affidavit attesting that the warrant has been lost, stolen, or destroyed (see ACL No. 00-24). This includes warrants or checks written and issued to the participant for supportive services such as transportation.

There is no state law requiring replacement of lost or stolen transportation vouchers or cash payments. However, counties should develop a policy regarding stolen transportation vouchers or other payments and identify the policy in the County Plan.

Counties should take into consideration how failing to replace the voucher or cash payment will affect the participant's ability to participate in the WTW activity. If the original warrant and the replacement warrant are both cashed and the county has reason to believe the participant cashed them both, the county shall

conduct an investigation. An Intentional Program Violation via criminal prosecution, an Administrative Disqualification Hearing, or a Disqualification Consent agreement shall be pursued by the county in cases of fraud. Counties shall also assess overpayments and seek recoupments.

Requiring Participants to Appear in Person

- Q. Can a county require a participant to appear in person to claim or receive transportation payments/services?
- A. No. There is no regulation that requires participants to appear in person to file a claim for transportation services or receive transportation payments. MPP Section 42-750 specifies necessary supportive services must be available to every participant in order to comply with the program activity to which he or she is assigned or to accept or retain employment. If these services are not available, the participant will have good cause for not participating under MPP Section 42-713.21. Counties should have a procedure in place to inform participants how to obtain transportation services through means not limited to a personal appearance.

Forms

- Q. Can a transportation claim be permanently denied if the participant does not complete required forms in any particular month?
- A. No. Once the participant completes a required form, reimbursement of transportation costs must be reinstated. If the necessary transportation services are not reinstated, the participant will have good cause for not participating (MPP Section 42-750.11).

Language/Comprehension

- Q. Is there a guideline to simplify forms that are read by participants?
- A. On June 20, 1983, the Court filed a Consent Decree in the Turner vs. McMahon case, which established a process for reviewing and revising Notices of Action (NOAs) to ensure participants can understand vital information provided by the county. As part of this decree, NOAs are sent to the Turner Committee for comments on readability, clarity, understandability, and accuracy.

There is not a requirement to send other CalWORKS forms to the Turner Committee for review. However, counties are advised to use forms and other materials that meet the Turner standards to decrease the likelihood of participants misunderstanding or being confused by the materials. Questions regarding the use of specific language in forms should be directed to the CalWORKS Eligibility Bureau at (916) 654-1322.

Q. What are the language requirements for CalWORKs forms?

A. Counties are required to comply with the provisions of MPP Division 21 of the state regulations implementing the Dymally-Alatorre Bilingual Services Act, Government Code Section 7290, et. seq. and Title VI of the Civil Rights Act of 1964. If there are participants in your county who speak a language other than English, the county must provide these participants with forms in their primary language if the forms have been translated by the California Department of Social Services, regardless of the size of this language group within the county/office.

In accordance with MPP Section 21-115, bilingual/translation services must be provided to all non-English and limited-English speaking participants regardless of whether the state has translated the forms. This means that the county must, at a minimum, provide oral interpretation of all forms, materials, and notices necessary for the participant to participate in and benefit from the CalWORKs program.

Transportation NOAs

Q. When must Transportation Notices of Action (NOA) be sent to participants?

A. NA 820, NA 821, NA 822, NA 825, and NA 828 are all transportation NOAs. Pursuant to ACL No. 90-102, transportation NOAs shall be issued adequately and timely (i.e., mailed to the affected person at least 10 days prior to the effective date of the notice). According to MPP Section 42-750.411, NOAs shall be issued to CalWORKs participants for the following reasons:

Approval of supportive services and the level and method of payment.
(NA 820)

Denial of requests by CalWORKs participants for CalWORKs supportive services arrangements or payments.
(NA 821)

Changes to existing supportive services payments and arrangements, including termination of supportive service arrangements or payments. NA 822 informs participants of any change to a previously approved transportation service, describes the change, and explains why the change is being made. This notice can also be used to inform the participant that supportive services or payments will be terminated.
(NA 822)

Collection of supportive services overpayments from CalWORKs participants pursuant to MPP Section 42-751.
(NA 828)

Payment adjustment. NA 825 must be used to describe a transportation payment adjustment. This NOA informs participants when a transportation payment will be less than the amount requested by the participant and explains why there is a reduction and what the new payment amount will be.
(NA 825)

Volunteers

- Q. Does a county need to pay supportive services, including transportation, to a volunteer?
- A. Yes. Supportive services, including transportation, must be provided if they are necessary for the volunteer to participate in an activity which is part of the volunteer's WTW plan. Volunteers are not required to participate in an activity or employment for a minimum number of hours in order to receive supportive services.

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