

FINDING OF EMERGENCY

These regulations are being implemented on an emergency basis for the immediate preservation of the public peace, health and safety, or general welfare, within the meaning of Government Code Section 11346.1.

DESCRIPTION OF SPECIFIC FACTS WHICH CONSTITUTE THE EMERGENCY

1. The Legislature enacted the provisions of Senate Bill (SB) 1104, Chapter 229, Statutes of 2004, on an emergency basis and to take effect immediately. These emergency regulations will increase the program's focus on work by requiring that counties develop, and that non-exempt recipients sign, a welfare-to-work plan within 90 days of the time that the county grants them aid, or under some circumstances, after the completion of job search. Additionally, most non-exempt individuals must participate for a minimum average of 20 hours per week in specified core activities as part of their 32- or 35-hour per week participation requirement. These regulations also eliminate the current 18- and 24-month time limit on participation in specified welfare-to-work activities. This change permits recipients to continue to satisfy some or all of their required welfare-to-work hours of participation through these activities, if consistent with their welfare-to-work plans, during their entire time on aid.
2. SB 1104, Section 64.6, allows CDSS to implement applicable provisions of the law through All-County Letter (ACL) or similar instructions from the Director of CDSS. Initial information and instructions were provided to the counties in ACL 04-41, dated October 8, 2004. The implementation of this law through ACL is effective until July 1, 2005.
3. SB 1104 requires that the Director of CDSS adopt emergency regulations, as necessary, to implement the applicable provisions of SB 1104 no later than July 1, 2005. The non-emergency rulemaking process set forth in the Administrative Procedures Act is sufficiently lengthy that it is not possible to implement regulation changes by July 1, 2005.
4. The initial emergency regulations and the first readoption of regulations are exempt from review by the Office of Administrative Law (OAL). The emergency regulations authorized by Section 64.6 of SB 1104 shall be submitted to OAL for filing with the Secretary of State and shall remain in effect for no more than 180 days.
5. Delay in the implementation of these regulations would conflict with the statutory directive that emergency regulations be adopted, would postpone the requirement that counties prepare welfare-to-work plans within 90 days, and delay providing recipients the opportunity to satisfy participation requirements by continuing in certain welfare-to-work activities, thus jeopardizing their opportunity to become self-sufficient.

INFORMATIVE DIGEST

SB 1104, Chapter 229, Statutes of 2004, amends the CalWORKs Welfare-to-Work Program. The CalWORKs Welfare-to-Work Program is the employment and training component of CalWORKs, California's version of the federal Temporary Assistance for Needy Families (TANF) Program.

Federal welfare reform enacted the TANF program through the Personal Responsibility and Work Opportunity Reconciliation Act in 1996 and limits cash aid to a family with an adult to a total of five years. The intent of the Welfare-to-Work Program is to provide employment and training services to the maximum possible number of the adult CalWORKs population to aid them in achieving economic self-sufficiency within this time frame.

To further achieve this goal, the proposed regulations will enhance the program's "work first" approach and establish a universal engagement requirement that will engage families as soon as possible in services they need to become economically self-sufficient. Participation requirements are also a key component in obtaining the CalWORKs program goal. The proposed regulations will eliminate the 18- or 24-month time limit on participation in specified education and training activities and require adults to participate in at least 20 hours per week in core welfare-to-work activities that will provide them with the necessary training to obtain employment. The balance of their 32- or 35-hour per week participation requirement can be spent in other specified non-core activities that will aid recipients in obtaining employment. These changes will also increase the number of individuals who are participating in activities that count toward the current and anticipated TANF participation requirements.

Additionally, the proposed regulations will make other technical, conforming changes, such as renumbering of sections and amending cross references as necessary.

COST ESTIMATE

1. Costs or Savings to State Agencies: Net savings of \$1.5 million in FY 2004-05 and \$3 thousand in FY 2005-06. The amount listed in this section is included in the 2005 Governor's Budget.
2. Costs to Local Agencies or School Districts: None.
3. Nondiscretionary Costs or Savings to Local Agencies: Net savings of \$1.4 million in FY 2004-05 and \$3.7 million in FY 2005-06. The amount listed in this section is included in the 2005 Governor's Budget.
4. Federal Funding to State Agencies: Net savings of \$12.8 million in FY 2004-05 and \$4.8 million in FY 2005-06. The amount listed in this section is included in the 2005 Governor's Budget.

LOCAL MANDATE STATEMENT

These regulations do impose a mandate upon local agencies, but not upon school districts. The mandate is not required to be reimbursed pursuant to Part 7 (commencing with Section 17500) of Division 4 of the California Constitution because implementation of the regulations will result in no costs or savings to the local agencies.

AUTHORITY AND REFERENCE CITATIONS

CDSS adopts these regulations under the authority granted in Sections 10553 and 10554 of the Welfare and Institutions Code. Subject regulations implement and make specific Sections 10531, 10532, 11320.1, 11322, 11322.6, 11322.8, 11322.9, 11324.6, 11325.21, .22, and .23, 11325, 11326, and 11454, Welfare and Institutions Code, and SB 1104 (Chapter 229, Statutes of 2004).