

Amend Section 11-501.3 (Handbook) to read:

11-501 INCOME MAINTENANCE RESPONSIBILITIES (Continued)

11-501

.3 County Standards

Where statutes or CDSS regulations authorize counties to adopt specific standards which affect an applicant's/recipient's eligibility or grant amount or welfare-to-work activities, including supportive services, such standards shall be in writing and shall be made available to the public upon request.

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Examples of program requirements for which counties are to develop written standards include but are not limited to the following: (1) definition of what constitutes regular school attendance and good cause criteria, under Sections 40-105.5(a) and (f); (2) extending the ~~18-month time limit~~ and work exemption based upon caring for a young child, under Sections ~~42-710.12 and 42-712.47, respectively~~; (3) diversion program requirements, under Section 81-215.32; (4) child care for other required activities or for children not in the AU, under Sections 47-201.12 and 47-401.45; and (5) continuing case management services and/or supportive services for former recipients, under Section 42-717.1.

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Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 10553, 10554, and 10603, Welfare and Institutions Code.

Amend Section 42-302 to read:

42-302	60-MONTH TIME LIMIT REQUIREMENTS FOR ADULTS	42-302
.1	60-Month Time Limit	(Continued)
.11	Exceptions	(Continued)
.114	Unable to Maintain Employment or Participate	(Continued)
	(a)	(Continued)
	(1)	(Continued)
	(A)	For purposes of this section, a sanction received while the individual was a volunteer in the CalWORKs welfare-to-work program pursuant to MPP Sections 42-712.51 or 42-712.52 , or an aid recipient in another state shall not be considered a welfare-to-work sanction. (Continued)
	(b)	(Continued)
.3	Requesting Exemptions/Exceptions	An applicant or a recipient can request an exemption/exception verbally or in writing. When a recipient states that s/he meets a condition that qualifies as an exemption to the 18 or 24 and/or 60-month time limit, as specified in MPP Sections 42-712 and 42-302.21 or an exception to the 60-month time limit as specified in 42-302.11, the county shall document the request and provide the recipient with an exemption/exception request form, if necessary to complete the request. (Continued)
.31	Exemption/Exception Request Form	The form to request an exemption or exception shall include, but is not limited to, the following:

- (a) A description of the exemptions to the CalWORKs ~~18 or 24 month time limit, provided in MPP Section 42-712,~~ the 60-month time limit, provided in MPP Section 42-302.21, and a description of the 60-month time limit exceptions, provided in MPP Section 42-302.11.

Authority Cited: Sections 10553, 10554, and 11369, Welfare and Institutions Code.

Reference: Sections 11266.5, 11454, 11454(e) and (e)(5), 11454.5, 11454.5(b) and (b)(4) and (5), and 11495.1, Welfare and Institutions Code, Section 37 of AB 444 (Chapter 1022, Statutes of 2002); and 42 U.S.C. 608(a)(7)(a), (B) and (D).

Amend Section 42-701 to read:

42-701 INTRODUCTION TO WELFARE-TO-WORK

42-701

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.1 Background

~~AB 1542, Chapter 270, Statutes of 1997, established t~~The California Work Opportunity and Responsibility to Kids (CalWORKs) Act of 1997 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. (Continued)

- (c) ~~Limited time on aid without working. Unless exempt, recipients will be required to work or participate in community service after 18 to 24 months on aid. Mandatory core welfare-to-work participation hours. Unless exempt, adult recipients are required to participate in at least 20 hours per week of core welfare-to-work activities. The balance of their 32- or 35-hour per week participation requirement shall be spent in either core or non-core activities. All welfare-to-work activities will be assigned based upon the recipient's assessment and will aid recipients in obtaining employment. (Continued)~~

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.2 Definitions for Terms Used in This Chapter (Continued)

- (c) (1) (Continued)

(4) “Core Welfare-to-Work Activities” means any of the following welfare-to-work activities: unsubsidized employment, subsidized private sector employment, subsidized public sector employment, work experience, on-the-job training, grant-based on-the-job training, supported work or transitional employment, work study, self-employment, community service, and vocational education and training programs for up to 12 cumulative months (pursuant to Section 42-716.211). Adult basic education, job skills training directly leading to employment, education directly related to employment, and mental health, substance abuse, and domestic abuse services can count as core hours pursuant to Section 42-716.23.

- (45) (Continued)

- (56) (Continued)

- (n) (1) ~~Reserved~~ “Non-core Welfare-to-Work Activities” means any of the following welfare-to-work activities: adult basic education, job skills training directly related to employment, education directly related to employment, satisfactory progress in a secondary school or in a course of study leading to a certificate of general educational development, mental health, substance abuse, domestic abuse services, vocational education and training programs beyond the 12-month limit, other activities necessary to assist an individual in obtaining unsubsidized employment, and participation required of the parent by the school to ensure the child’s attendance.
- (o) (Continued)
- (u) (1) ~~Reserved~~ “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.
- (v) (1) (Continued)

Authority Cited: Sections 10531, 10553, and 10554, Welfare and Institutions Code.

Reference: Sections 10063, 10800, 11320, 11320.3(b)(3)(A), 11322.6, 11322.8(c), (d), and (e), 11322.9, 11324.6, 11324.8, 11325.21, 11331.5, 11495, 11495.1, 11495.12, and 13280, Welfare and Institutions Code; and Sections 15365.50 and 15365.55, Government Code; and 42 U.S.C. 603(A)5.

Repeal Section 42-710:

~~42-710 18-AND-24-MONTH-TIME-LIMITS~~

~~42-710~~

- ~~.1 Except as otherwise provided in these regulations, a parent or caretaker relative, whose beginning date of aid is in the month that the CalWORKs Welfare to Work Program is implemented in the county, or thereafter, is not eligible to receive aid for a cumulative period of more than 18 months, unless: 1) it is certified by the CWD that there is no job currently available for the recipient as specified in Section 42-710.5; and 2) the recipient works in unsubsidized employment and/or participates in unpaid community service, grant-based OJT community service, and/or WtW Grant program work experience, and activities required under Sections 42-711.93, .94, and .96, for the required minimum hours in accordance with Section 42-711.4.~~
- ~~.11 The time limit period starts on the date the recipient signs, or refuses to sign without good cause, a welfare to work plan described in Section 42-711.6 et seq.~~
- ~~.12 The CWD shall adopt criteria for extending the 18-month time limit for up to six months.~~
 - ~~.121 The criteria adopted by the CWD shall be used to determine if:
 - ~~(a) an extension is likely to result in unsubsidized employment; or~~
 - ~~(b) employment is not available due to local employment rates or economic conditions.~~~~
 - ~~.122 In determining whether an extension should be granted because it is likely to result in unsubsidized employment or because employment is not available, the CWD also may consider criteria related to the employability of the individual and other relevant factors.~~
- ~~.2 Except as otherwise provided in these regulations, a parent or caretaker relative, who was receiving aid in the month prior to implementation of the Welfare to Work Program in the county, is not eligible to receive aid for a cumulative period of more than 24 months, unless: 1) it is certified by the CWD that there is no job currently available for the recipient as specified in Section 42-710.5; and 2) the recipient works in unsubsidized employment and/or participates in unpaid community service, grant-based OJT community service, WtW Grant program community service, and/or WtW Grant program work experience, and activities required under Sections 42-711.93, .94, and .96, for the required minimum hours in accordance with Section 42-711.4.~~
- ~~.21 The time limit period starts on the date the recipient signs, or refuses to sign without good cause, a welfare to work plan described in Section 42-711.6 et seq.~~

- ~~.22 The provisions of Section 42-710.2 apply to a parent or caretaker relative who was receiving aid in the month prior to implementation of the Welfare to Work Program in the county, even if the individual has had an intervening break in aid.~~
- ~~.3 A parent or caretaker relative recipient who has reached the 18 or 24 month time limit, who is working in unsubsidized employment for less than the required minimum hours, and for whom no job is currently available as specified in Section 42-710.5 for the required number of hours, shall remain eligible for aid by participating in unpaid community service, grant-based OJT community service, WtW Grant program community service, and/or WtW Grant program work experience, and activities required under Sections 42-711.93, .94, and .96, for the additional number of hours necessary to meet the participation requirements in accordance with Section 42-711.4.~~
- ~~.31 If an individual has received aid for a cumulative period of more than 18 or 24 months, as specified in Section 42-710.1 or .2, as applicable, and returns to aid after a break in aid of at least one month, the CWD shall determine whether to require the individual to participate in community service in accordance with Section 42-711.9 or in welfare to work activities described in Section 42-716.~~
- ~~.4 No month in which aid has been received prior to January 1, 1998 shall be taken into consideration in computing the required 18 or 24 month time limits.~~
- ~~.5 For purposes of these time limits, "no job is currently available" means that the recipient has taken and continues to take all the steps to apply for appropriate positions and has not refused an offer of employment without good cause.~~
- ~~.6 A month of receipt of aid shall not count toward the 18 or 24 month time limit period when it is a month in which the individual is:~~
- ~~.61 Not required to participate in welfare to work activities because he/she is exempt from participation, in accordance with Section 42-712 et seq., and the condition is expected to last for at least 30 days;~~
- ~~.62 Required to participate in, participating in, or exempt from the Cal Learn Program, in accordance with Section 42-712.11.~~
- ~~.63 Sanctioned and removed from the assistance unit in accordance with Section 42-721.4, or,~~
- ~~.64 Participating in an approved SIP and participation is interrupted for good cause. (See Section 42-711.546.)~~
- ~~.65 Identified as a past or present victim of domestic abuse and the county has waived the time limit as described in Section 42-713.221.~~
- ~~.66 A reunification parent pursuant to the temporary absence/family reunification provisions of Section 82-812.68.~~

~~Authority Cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code.~~

~~Reference: Sections 10532(e)(2), 11203, 11320.1(c) and (d), 11320.3(a) and (b), 11322.6(f), 11322.9, 11325.21, 11325.23(e), 11325.4, 11327.5(c), 11454, 11454.5(a), 11495.1, and 16501.1(d) and (f)(11), Welfare and Institutions Code.~~

Amend Section 42-711 to read:

42-711 WELFARE-TO-WORK PARTICIPATION REQUIREMENTS

42-711

.1 Program Information for Applicants (Continued)

.11 At the time an individual applies for aid or at the time a recipient's eligibility for aid is determined, the CWD shall do the following: (Continued)

.112 Provide the individual, in writing and orally as necessary, with information including: (Continued)

(b) A description of the core and non-core welfare-to-work activities, the core requirement, and the exceptions to the non-core activities.

(bc) (Continued)

.4 Hours of Participation

.41 Adult in One-Parent Assistance Unit

.411 Unless exempt from participation, an adult recipient in a one-parent assistance unit shall participate each month in welfare-to-work activities for a minimum average per week of 32 hours.

(a) A minimum average of 20 hours per week of participation must be in one or more core welfare-to-work activities, as specified in Section 42-716.2.

.412 (Continued)

.42 Adult(s) in Two-Parent Assistance Unit

.421 Unless exempt from participation, an adult recipient in a two-parent assistance unit whose basis for aid is unemployment shall participate each month in welfare-to-work activities for an minimum average per week of ~~at least 35 hours per week in welfare to work activities that will meet the hours of participation required under federal law.~~

(a) A minimum average of 20 hours per week of participation must be in one or more core welfare-to-work activities, as specified in Section 42-716.2.

(ab) ~~However, b~~Both parents in a two-parent assistance unit may contribute toward the 35-hour requirement, if at least one parent's participation

meets the federal ~~hourly~~ one-parent work requirement of a minimum average of 20 hours per week.

- (1) If both parents contribute to meeting the 35-hour participation requirement, the parents may split the 20-hour per week participation requirement for core welfare-to-work activities.

.422 (Continued)

.5 Assignment of Recipients to Welfare-to-Work Activities (Continued)

.52 Appraisal (Continued)

.522 Prior to or during the appraisal, the CWD shall inform the individual in writing of the following:

- (a) The requirement to participate in available welfare-to-work activities; ~~and a general description of the time limits in Section 42-710 up to the time limit specified in Section 42-716.11 and for the required number of participation hours pursuant to Sections 42-716.2, .21, and .22.~~ (Continued)

(d) A statement that the participant has the following grace periods:

- (1) Three (30) 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, pursuant to Section 42-711.6346.
- (2) Thirty (30) days from the beginning of the initial training or education assignment activity to request a change or reassignment to another activity, pursuant to Section 42-711.6347. (Continued)

.54 Self-Initiated Programs (SIPs)

.541 Except as provided by Section 42-711.542, any recipient who is required to participate in welfare-to-work activities in accordance with Section 42-712.1, may continue in an undergraduate degree or certificate program that leads to employment ~~for the 18- or 24-month time periods specified in Section 42-710, as applicable,~~ in accordance with Section 42-716.11, if: (Continued)

.543 A program will be determined to lead to employment if it is on a list of programs that the CWD and local education agencies or providers agree lead to employment: (Continued)

- (b) For recipients whose program is not on the list, the CWD shall determine if the program leads to employment.

- (1) The recipient shall be allowed to continue in the program ~~within the 18- or 24-month time period specified in Section 42-710~~ 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. (Continued)
- .544 If participation in a SIP, as determined by the number of hours required for classroom, laboratory, or internship activities, is not at least 32 hours, the CWD shall require concurrent participation in work activities, pursuant to Sections 42-716.431(a) through (j), inclusive and in accordance with Section 42-711.5, to reach the 32-hour requirement. (Continued)
- .546 Any person whose previously approved SIP is interrupted for reasons that meet the good cause criteria in Section 42-713.2 may resume participation in the same program if the participant maintained good standing in the program while participating and the SIP continues to meet the approval criteria.
- (a) ~~The CWD shall adjust the completion date of the program, accounting for the time of absence to allow the participant a cumulative time frame of 18 or 24 months as specified in Section 42-710.~~
- .547 Any recipient may continue until the beginning of the next educational semester or quarter break; in his or her educational program that does not meet the criteria of Section 42-711.541, if (Continued)
- .548 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.
- (a) ~~The time spent in the educational program will count toward the time limits specified in Section 42-710.~~
- (~~b~~a) 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 ~~under the time frames in Section 42-710~~, provided: (Continued)
- .55 Assessment
- .551 Participants, except those excluded as provided in Sections 42-711.31, 42-711.557, 42-711.558, and 42-719.111, shall be referred to assessment, if:
- (a) They do not obtain unsubsidized employment with sufficient hours to meet the minimum hours of participation required under Sections 42-711.411 or .421; (Continued)

.552 Participants who are employed in unsubsidized employment with sufficient hours to meet the minimum hours of participation required under Sections 42-711.411 or .421, shall be referred to assessment if they wish to participate in additional welfare-to-work activities listed in Section 42-716.31. If they do not wish to participate in additional welfare-to-work activities, they may opt out of an assessment and only receive necessary supportive services.

- (a) These individuals shall be informed that if they choose to go to assessment, they will be required to sign a welfare-to-work plan ~~and their 18- to 24-month time period will begin~~. (Continued)

.58 Evaluation (Continued)

.581 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 42-716.431 including referrals to the participant's previous activities.

.6 Welfare-to-Work Plan and Universal Engagement

.61 After assessment, or a determination by the county child welfare services agency that CalWORKs services are necessary for family reunification, any recipient of aid or reunification parent pursuant to Section 82-812.68 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 as soon as administratively feasible, but no later than the time frame specified in Section 42-711.62 for non-exempt individuals. However, the county may elect to utilize a reunification plan as defined in Section 80-301(r)(5) in lieu of the welfare-to-work plan when all of an individual's welfare-to-work activities and services are provided as a component of a reunification plan under the temporary absence/family reunification provisions of Section 82-812.68. If the county uses the family reunification (FR) plan in lieu of the ~~WTFW~~ welfare-to-work plan the county shall inform the individual, in writing, regarding his/her eligibility for CalWORKs family reunification services, and include a reference to the FR plan and the county child welfare service agency.

.611 The plan shall include the activities and services, to be provided pursuant to Section 42-716, that will move the participant into employment and toward self-sufficiency. (Continued)

.62 Except as specified in Sections 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 Section 42-711.623(c), unless the individual meets an exemption criterion as

specified in Section 42-712.4 or is otherwise not required to sign a welfare-to-work plan.

.621 The individual may enter into his or her welfare-to-work plan with the CWD as late as 90 days after the completion of job search if job search, as defined in Sections 42-701.2(j)(2) and (3), and as specified in Section 42-711.53, is 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.

(a) Job search is considered to be "initiated" when an individual begins attending an allowable job search activity.

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

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

(b) 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.

.623 Except for Sections 42-711.621 and .622, the 90-day and 30-day time frames start as follows:

(a) 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.

(b) 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 in accordance with Section 40-171.11. This is also the date he or she can be required to participate.

(c) The date an individual is required to participate in welfare-to-work activities pursuant to a welfare-to-work plan, when he or she has been receiving aid but was not subject to the participation requirements and the county knows this date in advance.

(d) The date the county learned an individual is required to participate in welfare-to-work activities pursuant to a welfare-to-work plan, when he or she has been receiving aid but was not subject to the participation requirements 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.

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.624 Example 1: An individual was granted a 12-month exemption from welfare-to-work participation due to a physical problem at the time he started receiving aid. Therefore, he will not be required to sign a welfare-to-work plan until his exemption ends. The county has information from the individual's doctor that his exemption is scheduled to end on June 15, 2005. Unless he can provide verification that the exemption should extend beyond June 15, 2005, the county must develop, and have the individual sign, a welfare-to-work plan no later than 90 days from June 16, 2005.

.625 Example 2: An individual has been receiving aid since 2003. She was participating in sufficient hours of unsubsidized employment to meet her work participation requirement, prior to assessment, so she did not need to sign a welfare-to-work plan. During the county's monthly monitoring of the individual's participation, on June 8, 2005, the county discovered that she lost her job on May 27, 2005. Because the county learned of the individual's job loss within 30 days of its occurrence, the county has up to 90 days from June 8, 2005, to develop, and have the individual sign, a welfare-to-work plan.

.626 Example 3: Identical circumstances as in Example 2, except that the recipient lost her job on April 27, 2005. Under this scenario, because the county learned of the individual's job loss after the 30-day period, the county has until no later than 90 days from May 27, 2005, to develop, and have the individual sign, a welfare-to-work plan.

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.623 A participant shall take part in one or more welfare-to-work activities, as defined in Section 42-716, for the required minimum hours as specified in Section 42-716.2 and provided in the welfare-to-work plan until he or she has reached the 18 or 24-month time limit. (Continued)

.634 (Continued)

.6341 (Continued)

.6342 (Continued)

- (a) The plan shall also address school attendance of all children in the assistance unit for whom school attendance is compulsory, as specified in Section 40-105.5, 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 as

~~defined~~ specified in Sections 42-711.411 or .421, and as non-core hours as allowed under Section 42-716.22.

- (b) The plan shall outline how hours of participation in core and/or non-core welfare-to-work activities satisfy the participation requirements pursuant to Section 42-716.2.

.6343 (Continued)

.6344 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 ~~specified~~ defined in Section 42-716.4431(k).

.6345 (Continued)

.6346 (Continued)

.6347 (Continued)

.6348 (Continued)

.645 (Continued)

.7 Reappraisal

.71 The CWD shall conduct a reappraisal of any participant who does not obtain unsubsidized employment upon completion of all activities in his or her welfare-to-work plan, ~~unless the participant has reached the 18 or 24 month time limit~~. The reappraisal shall evaluate whether there are extenuating circumstances, as defined by the CWD, that prevent the participant from obtaining employment within the local labor market area. (Continued)

.712 If extenuating circumstances do not exist, and until the CWD reverses this determination ~~or the participant reaches the 18 or 24 month time limit~~, the participant ~~is required to~~ must participate ~~for the required minimum hours in accordance with Section 42-716.2~~, in activities that are limited to the following: (Continued)

- (b) Work experience as defined in Section 42-701.2(w)(43). (Continued)

- (e) Mental health, substance abuse, and/or domestic abuse services in accordance with Sections 42-716.54, 42-716.65, and 42-716.4431(q), respectively. (Continued)

~~.9~~ Community Service After Time Limits

- ~~.91~~ The participant shall remain eligible for aid only if he or she works in unsubsidized employment and/or participates in unpaid community service, grant based OJT community service, WtW Grant program community service, and/or WtW Grant program work experience, and activities required under Sections 42-711.93, .94, and .96, to meet the required minimum hours in accordance with Section 42-711.4 if:
- ~~.911~~ The participant has reached the 18-month time limit (and exhausted any extension granted) or the 24-month time limit, as applicable;
 - ~~.912~~ The participant has not found unsubsidized employment sufficient to meet the required minimum hours of participation; and
 - ~~.913~~ The CWD has certified that no job is currently available for the participant, in accordance with Section 42-710.5.
- ~~.92~~ For participants who have reached the 18- or 24-month time limits, the CWD shall provide community service activities and provide supportive services as described in Section 42-716.4. The changes to the activities and supportive services shall be reflected in an amended welfare-to-work plan.
- ~~.921~~ A participant may take part in community service activities until he or she has received aid for a total of 60 months.
- ~~.93~~ Participants whose assistance units include food stamp recipients shall participate in unpaid community service activities for the number of hours each month that is the lesser of the two following equations:
- ~~.931~~ The number of hours required by Section 42-711.4, less the number of hours spent in unsubsidized employment, grant based OJT community service, WtW Grant program paid community service, and/or WtW Grant program paid work experience; or,
 - ~~.932~~ The number of hours, 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 Section 42-701.2(g)(2) and Section 42-716.111(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.
- ~~.94~~ Participants whose assistance units do not include food stamp recipients shall participate in unpaid community service activities for the number of hours each month that is the lesser of the two following equations:

- ~~.941 The number of hours required by Section 42-711.4, less the number of hours spent in unsubsidized employment, grant-based OJT community service, WtW Grant program paid community service, and/or WtW Grant program paid work experience; or,~~
- ~~.942 The number of hours, determined collectively for the assistance unit, equal to the grant received by the CalWORKs assistance unit 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 Section 42-701.2(g)(2) and Section 42-716.111(f), only that portion, if any, received as a grant shall be used in this calculation.~~
- ~~.95 The monthly amount in Sections 42-711.93 and .94 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).~~
- ~~.96 Participants whose hours of participation in unpaid community service activities are determined pursuant to Section 42-711.932 or .942 and do not meet the participation requirement specified in Section 42-711.4 shall participate in other welfare to work activities for the additional number of hours necessary to satisfy the participation requirement.~~
- ~~.97 Any individual required to participate in a community service activity who fails to comply with program requirements without good cause shall be sanctioned in accordance with Section 42-721.4.~~
- ~~.98 See Section 42-710.31 for circumstances under which the CWD may require the individual to participate in welfare to work activities other than community service.~~

Authority Cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

Reference: Sections 11203, 11253.5(b), 11320.1, 11320.1(c), 11320.15, 11320.3, 11322.6, 11322.8, ~~11322.9~~, 11324.8(a) and (b), 11325.2, 11325.21, 11325.22, 11325.23(a), (b), (c), (e), and (f), 11325.25, 11325.4, 11325.5, 11325.6, 11325.7, 11325.8, 11326, 11327.4 and .5, 11454(a), 15204.2 and .8, and 16501.1(d) and (f), Welfare and Institutions Code; and 42 U.S.C. 607(c)(1)(A), (c)(1)(B)(ii), and (c)(2)(A)(i); 7 U.S.C. 2029(a)(1); 7 U.S.C. 2035; U.S. Department of Labor guidance on FLSA, with attached U.S.D.A., Food and Nutrition Service (FNS) guidance on an SFSP, dated May 22, 1997; and Simplified Food Stamp Program approval letters from FNS to implement the provisions of an SFSP, dated May 5, 2000 and August 3, 2000.

Amend Section 42-712 to read:

42-712 EXEMPTIONS FROM WELFARE-TO-WORK PARTICIPATION 42-712
(Continued)

.5 Any 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.

~~.51 An individual who is exempt but who volunteers to participate, is not subject to the 18 or 24 month time limits described in Section 42-710, provided his or her status has not changed in a way that requires participation. For purposes of Section 42-712.5, a volunteer participant is as follows:~~

~~.511 An individual who is exempt pursuant to Sections 42-712.41 through .49, but who volunteers to participate; or~~

~~.512 An individual who is not required to participate for reasons other than the exemptions described in Sections 42-712.41 through .489, but who volunteers to participate, is subject to the 18 or 24 month time limits described in Section 42-710.~~

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~~.521(a) For example, in a two-parent assistance unit, whose basis for aid is unemployment, the second parent is not required to participate when the first parent is meeting the required participation hours but may participate as a volunteer. However, if the second parent chooses to participate, he/she is subject to the 18 or 24 month time limits.~~

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~~.6 The impact of exemptions on the 18 or 24 month time limit is found at Section 42-710.6.~~

~~.76 (Continued)~~

~~.761 (Continued)~~

~~.762 (Continued)~~

~~.763 (Continued)~~

Authority Cited: Sections 10553, 10554, 10604, and 11369, Welfare and Institutions Code.

Reference: Sections 10553, 10554, 10063(b), 11253.5, 11320, 11320.3, 11331.5(a), (b), (c), and (d), 11454, and 11454.5, Welfare and Institutions Code; and 42 U.S.C. 5044(f)(2).

Amend Section 42-713 to read:

42-713 GOOD CAUSE FOR NOT PARTICIPATING (Continued) 42-713

.2 Conditions that may be considered good cause for not participating in welfare-to-work activities include, but are not limited to, any of the following: (Continued)

.22 The applicant or recipient is a victim of domestic abuse.

.221 CalWORKs Program requirements, including the time limits on receipt of assistance described in Sections ~~42-710 and 42-3002~~, and welfare-to-work requirements described in Section 42-711 may be waived, except as specified in Section 42-715.511, for an individual who is a victim of domestic abuse (as defined in Section 42-701.2(d)(3)) 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, in accordance with Section 42-715. (Continued)

.4 An individual who is excused from welfare-to-work participation for good cause is subject to ~~the 18- or 24-month time limits described in Section 42-710 and~~ the 60-month time limit in Section 42-302.

.41 A CWD may waive the ~~18- or 24-month and/or~~ 60-month time limits for victims of domestic abuse as provided in Section 42-713.221(a).

~~.42 An individual who has good cause for an interruption in participating in a SIP may have their 18- or 24-month time limits adjusted as provided in Section 42-711.546.~~

Authority Cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

Reference: Sections 11320.3(b) and (f), 11323.2, 11325.23(c), 11454, 11454.5, 11495, and 11495.1, Welfare and Institutions Code; 42 U.S.C. 607(e)(2); and 45 CFR 261.15.

Amend Section 42-715.512(a) to read:

42-715 DOMESTIC ABUSE PROTOCOLS AND TRAINING STANDARDS 42-715
(Continued)

.5 Waiver of Program Requirements

.51 A county may waive any program requirement, except as specified in Section 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, as specified in Section 42-713.22. (Continued)

.512 Program requirements that may be waived include, but are not limited to:

 (a) Time limits on receipt of assistance; (Continued)

.52 (Continued)

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 11454, 11495, 11495.15, 11495.25 and 11495.40, Welfare and Institutions Code.

Amend Section 42-716 to read:

42-716 WELFARE-TO-WORK ACTIVITIES

42-716

- .1 Upon the completion of job search activities, or a determination that those activities are not required as an initial activity, the participant shall be assigned to one or more welfare-to-work activities pursuant to Section 42-716.31, as needed to obtain employment.
 - .11 Individuals may participate in activities pursuant to Section 42-716.2 for up to the 60-month time limit in accordance with Section 42-302, as long as participation is consistent with their assessments under Section 42-711.55 and/or in accordance with their welfare-to-work plan under Section 42-711.6, or reappraisal under Section 42-711.712.
- .2 Except for exempt individuals, individuals who are enrolled in self-initiated programs in accordance with Section 42-711.54, or individuals receiving family reunification services in accordance with Section 42-711.61, to fulfill the 32- or 35-hour per week participation requirement specified in Sections 42-711.411 and .421:
 - .21 An individual must participate for a minimum average of 20 hours per week in one or more core activities, as described in Sections 42-716.31(a) through (j), (m), and (n).
 - .211 Participation in vocational education and training programs pursuant to Section 42-716.31(m) may only count as a core activity for a cumulative total of 12 months during an individual's 60-month time limit on aid.
 - (a) This 12-month limit begins on the first day of the month in which an individual begins vocational education and training as part of a welfare-to-work plan signed on or after December 1, 2004.
- .22 The remaining hours, up to 12 hours for an adult in a one-parent assistance unit, or up to 15 hours for an adult in a two-parent assistance unit pursuant to Section 42-711.421, may be comprised of any of the welfare-to-work activities described in Section 42-716.31.
- .23 Hours spent in specified non-core activities (mental health, substance abuse, and domestic abuse services, as described in Sections 42-716.31(q), and classroom, laboratory, and internships in adult basic education, job skills training directly related to employment, and education directly related to employment, as described in Sections 42-716.31(k), (l), and/or (o), respectively) in excess of those that cannot be accomplished within the non-core hours can count as core hours if:
 - .231 The county has determined that the assigned participation, if any, in mental health, substance abuse, and domestic abuse services is necessary for the individual to participate in core activities; and

.232 The assigned participation hours, if any, in classroom, laboratory, and internship activities in adult basic education, job skills training directly related to employment, and education directly related to employment programs meet the criteria listed below:

- (a) The program leads to a self-supporting job.
- (b) The individual is making satisfactory progress.
- (c) The individual does not possess a baccalaureate degree unless he or she is pursuing a California regular classroom teaching credential.
- (d) The program is on the county list of programs that the county and local agencies agree will lead to employment in accordance with Section 42-711.543(b).
 - (1) If the program is not on the county-approved list, the county must continue to provide the individual with the opportunity to demonstrate, in accordance with Section 42-711.543(b)(1)(A), that completion of the program will lead to self-supporting employment.

and

.233 The non-core hours of participation are comprised solely of activities specified in Sections 42-716.231 and/or .232.

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.24 Example 1: An adult in a one-parent AU does not meet welfare-to-work exemption criteria nor does she need a domestic violence waiver, and must participate in at least 20 hours of core welfare-to-work activities per week. The balance of the 32 hours shall be spent in activities that will aid her in obtaining employment, and may be either core or non-core welfare-to-work activities. However, the county also has determined that a combined 18 hours of substance abuse and domestic abuse treatment (8 and 10 hours, respectively) is necessary for her to participate in her core welfare-to-work activity. Because only 12 of the necessary 18 hours of treatment hours can be accomplished as non-core participation hours, the remaining six hours of substance abuse services are to be counted toward her core welfare-to-work requirement. She must then participate for 14 hours in a core welfare-to-work activity to fulfill her 32-hour CalWORKs welfare-to-work requirement.

.25 Example 2: An adult in a two-parent AU must participate in at least 20 hours of core welfare-to-work activities per week. The balance of the 35 hours shall

be spent in activities that will aid him in obtaining employment, and may be either core or non-core activities. The county has determined that he needs 20 hours of classroom, laboratory, or internship activities in a job skills training program (computer training) to assist him to obtain a self-supporting job as an office clerk, and the training meets the necessary criteria to qualify as a core welfare-to-work activity. Because only 15 of the necessary 20 hours of job skills training can be accomplished as non-core participation hours, the remaining five hours of training are to be counted toward his core welfare-to-work requirement. He must then participate for 15 hours in a core welfare-to-work activity to fulfill his 35-hour CalWORKs welfare-to-work requirement.

- .26 Example 3: An adult in a one-parent AU must participate in at least 20 hours of core welfare-to-work activities per week. The balance of the 32 hours shall be spent in activities that will aid her in obtaining employment, and may be either core or non-core activities. The county has determined 20 hours of classroom, laboratory, or internship activities in a job skills training program (mechanical drawing program that meets all specified criteria) is necessary for her to obtain a self-supporting job as a draftsman. The county also has determined that the individual needs eight hours of substance abuse treatment to participate in any core welfare-to-work activity. Since these activities meet the criteria to be counted as core welfare-to-work activities in this situation, 16 of the combined 28 hours can be counted towards the core participation requirement. Therefore, this individual must participate for four hours in another core welfare-to-work activity to fulfill her 32-hour CalWORKs welfare-to-work requirement.
- .27 Example 4: A non-exempt individual needs 32 hours of substance abuse treatment services per week and is registered in a residential treatment facility as part of his welfare-to-work plan. Since all 32 hours of the substance abuse treatment services cannot be completed as non-core participation hours, 20 hours of the substance abuse treatment can be counted as participation in a core welfare-to-work activity, and therefore the individual is fully meeting his 32-hour CalWORKs welfare-to-work requirement.
- .28 Example 5: A non-exempt individual needs eight hours of substance abuse treatment services in order to participate in his core welfare-to-work activities. He is currently in his 12th month in a vocational education program, which he attends for 24 hours per week. Since a post-12 month vocational education program cannot be counted as core activities, the individual's welfare-to-work plan is amended to include 20 hours of community service which is consistent with his assessment and continues moving his toward self-sufficiency. Due to the continued need of eight hours of substance abuse treatment, the county can only count four hours of the

post-12 month vocational education program to satisfy the 32-hour welfare-to-work requirement. However, if the individual wishes to maintain her hours in the vocational education program, any hours beyond the 32-hour welfare-to-work requirement would have to be on a voluntary basis.

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.29 For purposes of complying with the requirements in Section 42-716.232, study time hours in these specified activities shall be treated in the following manner:

.291 Study time hours shall count as a core welfare-to-work activity if the individual receives educational credits or units for those hours, and the credits and/or units count toward the completion of an individual's degree or certificate program, and the program for which study time is credited also meets the other criteria that allow participation in that activity to count as core hours.

.292 At the county's option, and when specified in the county's CalWORKs plan, non-credit study time hours, whether supervised or unsupervised, can be counted as hours of participation, but only as non-core welfare-to-work activities.

(a) When any non-credit study time is counted pursuant to Section 42-716.292, no hours of participation in mental health, substance abuse, domestic violence, and/or specified educational activities can be counted toward meeting the core welfare-to-work activity requirement in accordance with Section 42-716.23.

.43 The welfare-to-work plan described at Section 42-711.6 shall include welfare-to-work activities.

.431 Welfare-to-work activities may include, but are not limited to, any of the following:
(Continued)

(d) Work experience, as defined in Section 42-701.2(w)(3). (Continued)

(2) The maximum Hhours of participation in unpaid work experience that may be required of an individual shall be limited as follows: (Continued)

(3) The monthly limit in Sections 42-716.431(d)(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). (Continued)

(f) Grant-based OJT, as defined in Section 42-701.2(g)(2) and pursuant to Section 42-716.87.

- (g) Supported work or transitional employment as defined in Section 42-701.2(s)(3), and pursuant to Section 42-716.87, except that only the grant or the grant savings can be diverted to the employer. (Continued)
- (j) Community service as defined in Section 42-701.2(c)(3).
 - (1) At the time of the assignment to the community service activity, the CWD shall identify the job skills(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.
 - (42) Hours of participation in unpaid community service ~~prior to the time limit specified in Section 42-710~~ shall be limited as follows:
 - (A) A Pparticipants in unpaid community service activities whose assistance units includes food stamp recipients shall 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 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 42-716.31(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 Pparticipants in unpaid community service activities whose assistance units does not include food stamp recipients shall 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 42-716.31(f), only that portion, if any, received as a grant shall be used in this calculation.
 - (23) The monthly limit in Sections 42-716.431(j)(42)(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).
 - (3) ~~Hours of participation in unpaid community service after the time limit specified in Section 42-710 shall be determined in accordance with Section 42-711.93 or .94.~~

(4) Community service activities shall comply with the non-displacement provisions specified in Section 42-720.

(k) (Continued)

(q) Mental health (see Section 42-716.54), substance abuse (see Section 42-716.65), and domestic abuse services (see Section 42-713.221) that are necessary to obtain and retain employment. (Continued)

(s) Participation required of the parent by the school to ensure the child's attendance, in accordance with Section 42-711.6342(a).

.232 Assignment to an educational activity identified under Sections 42-716.4431(k), (m), (o), and (p) is limited to those situations in which the education is needed to become employed.

.33 Every CWD shall provide an adequate range of the activities described in Section 42-716.4431 to ensure each participant's access to needed activities and services to assist him or her in seeking employment, to provide education and training the participant needs to find self-supporting work, and to arrange for placement in paid or unpaid work settings that will enhance a participant's ability to obtain unsubsidized employment.

~~4 Community Service~~

~~.41 CWD Requirements for Provision of Community Service Activities~~

~~.411 The CWD may provide for community service activities for individuals who have not completed the 18- or 24-month time limit period specified in Section 42-710 and are not employed in unsubsidized employment sufficient to meet the minimum hours of participation required by Section 42-711.4.~~

~~.412 The CWD shall provide for community service activities for individuals who have completed the 18- or 24-month time limit period, under the conditions specified in Section 42-711.91.~~

~~.42 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.~~

~~.421 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.~~

- ~~.43 Community service activities shall comply with the nondisplacement provisions specified in Section 42-720.~~
- ~~.44 Individuals assigned to a community service activity, before the expiration of the 18- or 24-month time limit, shall participate in community service activities for the number of hours specified in their welfare-to-work plans.~~
- ~~.45 Individuals required to participate in a community service activity, after the expiration of the 18- or 24-month time limit, shall participate as specified in Section 42-711.9.~~
- ~~.46 Child care supportive services shall be provided to community service participants as specified in Section 42-750. Other supportive services may be provided by the CWD at the CWD's option.~~

.54 Mental Health Treatment Services (Continued)

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.541 (Continued)

.5411 (Continued)

.5412 (Continued)

.5413 (Continued)

.5414 In cases where a secondary diagnosis of substance abuse is made in a person referred for mental or emotional disorders, the welfare-to-work plan shall also address the substance abuse treatment needs of the participant. [See Section 42-716.65.]

.5415 (Continued)

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.65 Substance Abuse Treatment Services

.651 (Continued)

.6511 (Continued)

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.6512 (Continued)

.6513 (Continued)

.6514 (Continued)

.6515 (Continued)

.652 (Continued)

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.76 Job Openings

.761 The employer or sponsor of an employment or training position specified in Section 42-716.4431 shall assist and encourage qualified participants to apply for job openings in the sponsor's organization.

.762 (Continued)

.763 (Continued)

.87 Grant-based OJT

.871 (Continued)

.8711 (Continued)

.8712 (Continued)

.8713 (Continued)

.8714 (Continued)

.8715 (Continued)

.8716 An agreement by the participant acknowledging the participant's obligation to return to the CWD any recovered wages up to the amount of the corrective underpayment paid pursuant to Section 42-716.85742.

.872 The CWD shall provide grant-based OJT funded community service positions; ~~pursuant to Sections 42-711.9 and 42-716.4~~, only if the community service component of the county CalWORKs plan specifies the process by which the CWD will comply with the voluntary consent requirement and lists the languages, other than English, in which written consent will be obtained.

.873 (Continued)

.8731 (Continued)

.8732 (Continued)

~~.84~~ After the participant has reached their 18 or 24 month limit as specified in Section 42-710, the subsidy provided to the employer by the CWD shall be limited to the amount of the participant's diverted grant and/or grant savings.

~~.841733~~ Nothing in this Section 42-716.~~8473~~ shall preclude an employer from using its own funds to pay a portion of the participant's wages.

~~.8574~~ (Continued)

~~.85741~~ (Continued)

~~.85742~~ (Continued)

~~.8675~~ (Continued)

~~.876~~ (Continued)

~~.8761~~ (Continued)

~~.8762~~ (Continued)

~~.8763~~ (Continued)

~~.8764~~ (Continued)

~~.8765~~ That the employer's participation in grant-based-OJT funded job placements may be cancelled pursuant to Section 42-716.~~88771~~.

~~.8877~~ (Continued)

~~.88771~~ (Continued)

~~.88772~~ (Continued)

~~.8978~~ (Continued)

Authority Cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

Reference: Sections 11253.5(b), 11265.1, 11265.2, 11320.3(b)(2), 11322.6, 11322.61, 11322.7, 11322.8, 11322.9, ~~11322.9(a), (b), (c), (d)(6), (e), and (f)~~, 11324.4, 11324.6(a), 11325.21(a) and (d)(1), 11325.22(b)(1), 11325.7(a), (c), (d), 11325.8(a), (c), (d), and (f), 11326, 11327.5, 11450.5, 11451.5, and 11454(a),

Welfare and Institutions Code; and Section 8358(c)(2), Education Code; 7 U.S.C. 2029(a)(1); 7 U.S.C. 2035; U.S. Department of Labor guidance on FLSA, with attached U.S.D.A., Food and Nutrition Service (FNS) guidance on an SFSP, dated May 22, 1997; ~~and~~ Simplified Food Stamp Program approval letters from FNS to implement the provisions of an SFSP, dated May 5, 2000 and August 3, 2000.

Amend Section 42-718 to read:

42-718 OTHER PROVIDERS OF ACTIVITIES AND SERVICES (Continued) 42-718

.2 Contracts/Agreements for Job Search, Training, and Education Services

.21 Except as specified in Sections 42-718.212 and .213, any contract/agreement which provides for payment for training and education services shall be competitively selected using applicable State and federal regulations. Payment for services which are part of an individual's welfare-to-work plan may be made based upon fixed-unit-price performance-based criteria.

.211 Under these contracts, full payment shall not be considered earned by the contractor for training and education services as defined in Sections 42-716.4231(a) through (r) until either of the following has occurred: (Continued)

Authority Cited: Sections 10553, 10554 and 10604, Welfare and Institutions Code.

Reference: Sections 10619, 11320, 11322.62, and 11328.8, Welfare and Institutions Code.

Amend Section 42-719 to read:

42-719 SCHOOL ATTENDANCE

42-719

- .1 All children in an assistance unit (AU) for whom school is compulsory, but who are not subject to Cal-Learn requirements as described in Sections 42-762 through 42-769, shall be required to regularly attend school, as specified in Section 40-105.5.
 - .11 Teens ages 16 and 17, who are not regularly attending elementary, secondary, vocational, or technical school on a full-time basis, shall be referred to the CWD to have a welfare-to-work plan developed in accordance with Section 42-711.
 - .111 The welfare-to-work plan for teens ages 16 and 17, who have not completed high school or its equivalent, shall be for the purpose of completing high school or its equivalent only. (Continued)
 - (b) ~~18 and 24 month time limits under Section 42-710 shall not apply to these teens.~~
 - (eb) (Continued)
- .2 Except as exempted in accordance with Section 42-712.422, teens ages 16 and 17 who have completed high school or its equivalent are required to participate in welfare-to-work activities and are subject to all Welfare-to-Work Program requirements specified in Section 42-711.
 - ~~.21 18 and 24 month time limits shall not apply to these teens.~~
- .3 (Continued)

Authority Cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

Reference: Sections 11253.5, 11320.3(a) and (b)(2), 11322.8(a), 11325.21, 11331.5, and 11454(a), Welfare and Institutions Code; and Section 48200, Education Code.

Amend Section 42-720 to read:

42-720 NONDISPLACEMENT PROTECTION IN WORK ACTIVITIES 42-720

.1 Displacement Provisions

Except as specified in Section 42-720.3, an education, employment, or training program position specified in Sections 42-716.4431(a) through (l), or under any county pilot project, may not be created as a result of, or may not result in, any of the following: (Continued)

.3 Notification of labor unions and non-union employees of the use of CalWORKs recipients.

.31 The CWD shall notify or ensure that an employment or training provider notifies:

.311 The appropriate labor union of the use of a CalWORKs recipient assigned to a welfare-to-work employment or training activity described in Section 42-716.4431 or any position created under a county pilot project, in any location or work activity controlled by an employer and covered by a collective bargaining agreement between the employer and a union; or (Continued)

Authority Cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

Reference: Sections 11324.5, 11324.6, and 11324.7, Welfare and Institutions Code.

Amend Section 42-721 to read:

42-721 NONCOMPLIANCE WITH PROGRAM REQUIREMENTS 42-721
(Continued)

.3 Good Cause for Failure or Refusal to Comply with Program Requirements

.31 No sanctions shall be applied for failure or refusal to comply with program requirements for reasons related to employment, an offer of employment, an activity, or other training for employment including, but not limited to, the following reasons:
(Continued)

.313 The employment, offer of employment, activity, or other training for employment is remote from the individual's home because either: (Continued)

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 ~~in accordance with Section 42-716.4 as defined in Section 42-701.2(c)(3), and in accordance with Section 42-716.31(j)(2).~~ (Continued)

.4 Sanctions

.41 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. (Continued)

~~.412 Any month in which an individual is under sanction and removed from the assistance unit shall not be counted in determining the 18- and 24-month time limits in accordance with Section 42-710.63.~~

~~.413~~ (Continued)

~~.414~~ Section 42-721.~~414~~3(QR) shall become operative in a county on the date QR/PB becomes effective in that county, pursuant to the Director's QR/PB Declaration. (Continued)

Authority Cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

Reference: Sections 11203, 11265.2, 11320, 11320.31, 11322.9, 11324.8(d), 11327.4, 11327.5(a) through (e), 11327.6, 11327.8, 11327.9, 11328.2, 11333.7, 11454, and 16501.1(d), (e), (f), and (g), Welfare and Institutions Code.

Amend Section 42-722 to read:

42-722 LEARNING DISABILITIES PROTOCOLS AND STANDARDS 42-722
(Continued)

.6 Learning Disabilities Participation Requirements

.61 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 42-711.411 or .421. (Continued)

.7 Identifying Participants With Learning Disabilities During Good Cause Determination, Compliance Process and/or Stopping of a Welfare-to-Work Sanction (Continued)

.73 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.

.731 If the learning disability was a contributing factor to the individual's noncompliance: (Continued)

(c) If the individual chooses to receive aid for the rescinded sanction period, in accordance with Section 42-722.731(b)(1), all months in that period will be counted against the 60-month time limits, ~~but not against the 18- or 24-month clock, in accordance with Section 42-722.9.~~ (Continued)

~~.8 Retrospective Adjustment of the 18- and 24-Month Time Clock~~

~~.81 Counties must retrospectively adjust an individual's 18- or 24-month time clock when the participant meets all of the following criteria:~~

~~.811 Has a verified learning disability; and~~

~~.812 One of the following:~~

~~(a) Was not screened and evaluated for learning disabilities before signing the welfare-to-work plan; or~~

~~(b) Was screened by the county, evaluated, and found to have a learning disability; and~~

~~.813 Both of the following:~~

~~(a) Signed a welfare-to-work plan; and~~

~~(b) Participated in welfare to work activities, but without appropriate accommodations for his/her learning disabilities; and~~

~~.814 Did not make satisfactory progress in welfare to work activities.~~

~~.82 When a participant meets the criteria in Section 42-722.81, the county will do the following:~~

~~.821 Credit back one full month to the 18 or 24 month time clock for every partial or full month that the individual participated in welfare to work activities without appropriate accommodations and did not make satisfactory progress in his or her welfare to work activities;~~

~~.822 Provide him/her with written notice of the number of months credited back to his/her 18 or 24 month welfare to work time clock, the number of months remaining on his/her 18 or 24 month time clock, and the reason for the adjustment; and~~

~~.823 Amend his/her welfare to work plan to include appropriate welfare to work activities, services and/or accommodations.~~

~~.83 Participants who refuse to be screened, evaluated, or accommodated are not eligible on the basis of a learning disability for an adjustment of their 18 or 24 month time clocks.~~

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~~.84 Existing CalWORKs policies governing the 60 month time limit are unaffected by the retrospective adjustment of the 18 or 24 month time clock, pursuant to Sections 42-722.82 and .83.~~

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.8 Inter-County Transfers of Individuals With Learning Disabilities

.851 (Continued)

.8511 (Continued)

.8512 (Continued)

.8513 (Continued)

Authority Cited: Section 10553, Welfare and Institutions Code.

Reference: Sections 10850, 11320.3(f), 11322.8, 11325.2(a), 11325.25, 11325.4, 11325.5, 11327.4, 11327.5, 11454, and 11454(a) and (b), Welfare and Institutions Code.

Amend Section 42-802.2 to read:

42-802 JOB, TRAINING, AND EDUCATION FOR RCA 42-802
 WELFARE-TO-WORK PARTICIPANTS (Continued)

.2 Work experience as described in Section 42-716.1131(d). (Continued)

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 11320, and 11321.6(b) and (d), Welfare and Institutions Code; and 45
 CFR 400.203.

Amend Section 42-1009.112 to read:

42-1009 MANDATORY COMPONENTS FOR SRS PARTICIPANTS 42-1009

.1 The SRS Component shall include the following four services and activities.

.11 Any educational activity below the postsecondary level that the agency determines to be appropriate to the participant's employment goal. Such activities may be combined with training that the agency determines is needed in relation to the participant's employability plan. The educational activities that shall be made available include, but are not limited to:

.112 Basic and remedial education that will provide an individual with a basic literacy level in accordance with Section 42-716.32.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 11322.6 and 13280, Welfare and Institutions Code.

Amend Section 42-1010.1 to read:

42-1010 OPTIONAL COMPONENTS FOR SRS PARTICIPATION

42-1010

- .1 In addition to the mandatory components specified in Section 42-1009, the SRS Component shall include unsubsidized employment, job search, OJT and at least two of the other activities listed in Section 42-716.431: (Continued)

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Section 11322.7, Welfare and Institutions Code.

Amend Section 44-111.233 to read:

44-111 PAYMENTS EXCLUDED OR EXEMPT FROM CONSIDERATION 44-111
AS INCOME (Continued)

.2 Exemption of Earned Income (Continued)

.23 \$225 and 50% Disregard (Continued)

.233 Wages derived from a diverted grant and/or grant savings and paid to CalWORKs recipients who are participants in the grant-based OJT programs specified in Sections 42-716.4431(f) and (g) shall not be eligible for the \$225 and 50 percent earned income disregard.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 10553, 10554, 11008.15, 11265.2, 11280, 11322.6(f)(3), 11157 (Ch. 439, Stats. of 2002), 11450.5, 11450.12, 11451.5, and 11451.7, Welfare and Institutions Code; 42 USC Section 602(g)(1)(E)(i); Section 8, Public Law 93-134; Section 2, Public Law 98-64; Section 13736, Public Law 103-66; Section 1, Public Law 100-286, Section 202(a), Public Law 100-485 and 20 USC 1087uu; 45 CFR 233.20(a)(3)(iv)(B), (a)(3)(xxi), 45 CFR 233.20(a)(4)(ii); (a)(4)(ii)(d); 45 CFR 233.20(a)(4)(ii)(p) and (q); 45 CFR 233.20(a)(11)(v)(C); 45 CFR 255.3(f)(1); Federal Action Transmittals ACF-AT-94-27 and 94-4 and FSA-IM-89-1.

Amend Section 63-407.241(b) (Handbook) to read:

63-407 WORK REGISTRATION REQUIREMENTS (Continued)

63-407

.2 Work Registration Exemptions and Registration in Substitute Programs (Continued)

.24 CalWORKs Unpaid Community Service and Work Experience

Participants in unpaid community service and work experience activities under CalWORKs shall be considered to be participating in the Food Stamp Workfare Program, subject to the following:

.241 Such persons shall be subject to all CalWORKs Welfare-to-Work (WTW) Program statutes and regulations, including WTW exemptions, except that, consistent with Section 2029(a)(1) of Title 7 of the United States Code, the hours of participation shall be limited as follows: (Continued)

HANDBOOK BEGINS HERE

(b) The WTW Program regulations are located in MPP Chapter 42-700. See ~~Section 42-711.9~~ and Section 42-716.431(j) for further instructions on hours of participation for community service. See Section 42-716.431(d) for further instructions on hours of participation for work experience.

HANDBOOK ENDS HERE

Authority Cited: Sections 10553, 10554 and 18904, Welfare and Institutions Code.

Reference: Sections 10554 and 18904, Welfare and Institutions Code; 7 CFR 273.1(d)(2); 7 CFR 273.7; 7 U.S.C. 2014(e); 7 U.S.C 2015(d) and (o); 7 CFR 2025(h); 7 U.S.C. 2029(a)(1) and (e); 7 U.S.C. 2035; Sections 4121(c) and (d) of the Food Stamp Reauthorization Act of 2002 (P.L. 107-171); U.S. Department of Labor guidance on FLSA, with attached U.S.D.A., Food and Nutrition Service (FNS) guidance on Simplified Food Stamp Program (SFSP), dated May 22, 1997; SFSP approval letters from FNS to implement the provisions of an SFSP, dated May 5, 2000 and August 3, 2000; FNS letters to CDSS dated August 27, 2001 and November 13, 2001 regarding compliance with the food stamp work registration requirements and resumption of food stamp benefits after a disqualification; and FNS policy interpretation dated September 16, 2003.