



CDSS

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March 12, 2013

ALL COUNTY LETTER NO. 13-15

REASON FOR THIS TRANSMITTAL

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

TO: ALL COUNTY WELFARE DIRECTORS
ALL CALWORKS PROGRAM SPECIALISTS
ALL WELFARE-TO-WORK COORDINATORS
ALL COUNTY REFUGEE COORDINATORS
ALL COUNTY CALFRESH SPECIALISTS
ALL CONSORTIA REPRESENTATIVES
ALL TRIBAL TANF ADMINISTRATORS

SUBJECT: CALIFORNIA WORK OPPORTUNITY AND RESPONSIBILITY TO KIDS (CalWORKs) PROGRAM: QUESTIONS AND ANSWERS FOR THE CalWORKs WELFARE-TO-WORK (WTW) 24-MONTH TIME CLOCK

REFERENCE: Senate Bill (SB) 1041 (Chapter 47, Statutes of 2012), All County Letters (ACLs) 12-53, 12-67, and 12-69; Welfare and Institutions Code (WIC) Sections 11322.8, 11322.85, 11322.86, and 11322.87.

The purpose of this letter is to provide answers to questions that the California Department of Social Services (CDSS) has received about the implementation instructions issued to County Welfare Departments (CWDs) for the new WTW 24-Month Time Clock and hourly participation requirements, established by SB 1041, which became effective on January 1, 2013.

In general, during the WTW 24-Month Time Clock period, CalWORKs clients are able to participate in any of the CalWORKs WTW activities they need, consistent with an assessment, to become self-sufficient without the previously required CalWORKs WTW core hourly requirements. Any WTW plan developed after January 1, 2013, must be based on clients' needs that are consistent with their assessment. In addition, the weekly hours of participation have been aligned with federal hourly requirements (30 hours per week for single parents with no child under six years old, 20 hours for single

parents with a child under six, and 35 hours for two-parent families). Initial implementation instructions for these program changes are contained in ACLs 12-67 and 12-69.

Questions (Q) and Answers (A)

WTW 24-Month Time Clock - Transition

1. Q. How do CWDs handle a currently aided client who has been granted good cause or an exemption for the inability to fully meet the 32-hour work participation requirement under the old WTW rules, but is able to fully participate under the new lower hourly requirement?
 - A. These clients are to be treated the same as clients who are mandatory WTW participants. The CWDs will have the comprehensive discussion as described in ACL 12-67 during the client's next regularly scheduled contact, or sooner if the client contacts the CWD asking to participate, and develop a new WTW plan. If this discussion results in a determination that the client is able to meet the new participation requirements, the client's exemption or good cause determination will end and the client's WTW 24-Month Time Clock would start the first of the month following the day the client signs the new WTW plan that includes the identification of necessary supportive services. However, if the CWD determines that the client meets another condition that would stop the WTW 24-Month Time Clock, such as the client's continued exempt status or his or her participation meets federal standards, the WTW 24-Month Time Clock would not start.

2. Q. ACL 12-69 allows currently aided employed clients to reduce their hours/earnings during the transition to the new hourly participation requirements. What impact does this one-time provision have on the client's CalFresh benefits?
 - A. The CalFresh benefits may be adjusted in response to any change in client earnings. Therefore, clients who voluntarily reduce the number of employment hours, under the one-time allowance to reduce participation hours to match new CalWORKs hourly participation requirements, may experience a change in the level of CalFresh benefits as a result of changed earnings.

CalWORKs clients who comply with WTW participation requirements are exempt from CalFresh voluntary quit and reduction of hours worked disqualification rules, pursuant to Manual of Policies and Procedures (MPP) section 63-408.31. Therefore, CalWORKs families will not receive a CalFresh sanction for a reduction of employment hours or withdrawal from employment under this one-time transition period, as long as the individual is otherwise compliant with WTW

requirements. After modifying employment hours under this one-time transition period, clients will again be subject to a WTW sanction for failing to accept employment, continue employment, or continue employment at the same level of earnings, in accordance with MPP section 42-721.22, unless exempt or having good cause. Clients who do not comply with CalWORKs WTW participation requirements are subject to a CalFresh sanction, pursuant to MPP section 63-407.54.

3. Q. ACL 12-67 requires CWDs to have a comprehensive discussion with existing clients to inform them of the new rules and to develop a new WTW plan based on the new rules. What should CWDs do if they are unable to contact a client for the required comprehensive discussion or the client fails or refuses to sign a new WTW plan?
 - A. If the client has an existing plan that meets or exceeds the new participation requirements, the CWD will send the client a new WTW plan to sign that contains the same activities and participation hours as the client's existing plan and ask the client to sign and return the new WTW plan to the CWD, or contact the CWD within 30 days of the date on the letter if he or she wants to change the plan based on the new rules. If the client does not return the plan or contact the CWD in response to the letter, the client's WTW 24-Month Time Clock would start the first of the month after the date that the 30-day time period has ended, unless the client's existing plan is meeting the federal standards. Since the client is meeting participation requirements, the client would not be sanctioned for failure to contact the CWD or return the new plan.

If the client does not have an existing plan that meets the new participation requirements and does not respond to the CWD, the CWD must begin the WTW non-compliance process as described in ACL 03-59 for single parents and ACL 04-47 for two-parent families. However, as described in ACL 12-67, although new WTW clients must always have a WTW plan, existing clients (on aid prior to January 1, 2013) are not required to have a new plan if all hours are met through employment. If a client is satisfactorily meeting participation hours through employment, the county shall not sanction the client. The county must obtain the WTW plan signature at the next regularly scheduled appointment.

Counties are reminded to make a notation in the county consortia system or client file any time a client makes a verbal request regarding their CalWORKs WTW case.

4. Q. If a client had an assessment conducted prior to January 1, 2013, can an activity that is consistent with this assessment become part of the new WTW plan that is developed after the comprehensive discussion required in ACL 12-67?

- A. Yes, any activity identified in an assessment that was completed prior to January 2013 may become part of the new WTW plan. It may be one of multiple activities in the plan or the primary activity; a new assessment is not required.

WTW 24-Month Time Clock – General

5. Q: How do CWDs take the federal work participation requirements (WPR) into account when creating or modifying WTW plans to meet SB 1041 requirements?

A: The CWDs are required to follow state law. State law mandates that clients are to be given the option of being assigned to the full range of WTW activities, limited by their individualized assessment pursuant to MPP section 42-711.55. The goal of the CalWORKs program is to avoid long term need for aid, by providing clients with the skills needed to move out of poverty.

During the WTW 24-Month Time Clock period, clients must be allowed to focus on gaining the skills, education, training, and other barrier removal services, when needed, to achieve long-term self-sufficiency. A CWD's concern about meeting the federal WPR may not be a reason for preventing or discouraging clients from changing activities or hours according to the new rules under SB 1041.

6. Q: Since clients only have 24 months to participate in all WTW activities before having to meet the new federal standards when they have exhausted their WTW 24-Month Time Clock, should CWDs encourage clients to meet federal standards as soon as possible so that their clock will be stopped?

A: CWDs are required to inform clients that meeting the federal standards will stop the WTW 24-Month Time Clock to allow clients to make informed decisions about the activities they want to participate in that are consistent with their assessment. The flexibility provided within the WTW 24-Month Time Clock is meant to give clients the necessary education, training, and other barrier removal activities they may need. Some students may struggle to make satisfactory progress in their classes while fulfilling the federal core requirement.

The flexibility of the WTW 24-Month Clock will allow students to focus more or even exclusively on their studies. For some students, this will mean fewer classes to focus on improving grades, while for others it may mean taking fuller course loads in order to complete their certificate or degree or transfer credits sooner. Other clients may want to participate in vocational education programs that exceed the federal 12-month lifetime limit. This is why it is important during the client's comprehensive discussion for CWDs to strategize with each client

about how best to use the WTW 24-Month Time Clock within the context of the amount of time left on their CalWORKs 48-month time limit.

7. Q. Does the WTW 24-Month Time Clock apply to an assistance unit (AU) or an individual? If a client moves from one AU to a different AU, does the client's clock start over in the new AU?
 - A. The WTW 24-Month Time Clock applies to individuals. If a client moves from one AU to another, his or her WTW 24-Month Time Clock moves with him or her. Clients do not get a new WTW 24-Month Time Clock by moving to a different AU.

8. Q. How do we count months toward the WTW 24-Month Time Clock if a client has a break in aid and had an active WTW plan when he or she left aid? Do CWDs need to complete a new appraisal or assessment for these clients?
 - A. Clients who have a break in aid longer than 30 days upon return to aid will develop a new WTW plan. The WTW 24-Month Time Clock will begin, or resume, the first of the month after the client signs a new WTW plan that includes the identification of necessary supportive services. If a client was not previously appraised or assessed, the client would need to complete these activities and sign the WTW plan before his or her WTW 24-Month Time Clock would start. If the client was previously appraised and assessed, the CWD would evaluate whether a new assessment is needed based on each client's individual circumstances.

A client with a break in aid of less than 30 days who had an active WTW plan when the client left aid will continue in his or her plan, if appropriate, and the WTW 24-Month Time Clock would resume or begin the first of the month following the date the client's aid resumed, unless the client has a condition that would stop the clock (i.e. WTW exemption).

9. Q. ACL 12-67 states that the WTW 24-Month Time Clock starts on January 1, 2013, for all clients with less than 24 months of CalWORKs cash aid eligibility remaining on their CalWORKs 48-month time limit, unless there is an existing condition that would stop a client's clock. If a client in this situation contacts the CWD to change his or her WTW plan, but the CWD cannot serve the client right away, should the CWD start the client's clock or wait until they can serve the client?
 - A. If the client contacts the CWD to change his or her WTW plan but the CWD cannot serve the client right away, the client is in the process of developing a WTW plan. No months will count against the client's WTW 24-Month Time Clock until the client signs a new WTW plan.

10.Q. When does the WTW 24-Month Time Clock become effective for a client who has not been a mandatory WTW participant, but then becomes a mandatory participant (i.e., a nested teen parent who becomes the head-of-household in another AU or an ineligible non-citizen who becomes eligible)?

A. These clients will be treated the same as other new clients who are required to participate in WTW activities. The WTW 24-Month Time Clock will begin the first of the month following the month in which a WTW plan that includes the identification of necessary supportive services is signed. Months in which a WTW plan is being developed for these clients will not count toward the WTW 24-Month Time Clock.

CDSS anticipates issuing a series of ACL's to address SB 1041 implementation questions as they arise. If you have any questions or need further information regarding this letter, please contact the following CDSS representatives:

- CalWORKs Eligibility County Consultant (916) 654-1322
- Employment Bureau County Consultant (916) 654-2137
- Child Care Programs (916) 657-2144
- Program Integrity (WDTIP) (916) 654-2125
- Refugee Programs (916) 654-4356
- CalFresh Policy Bureau (916) 654-1896

Sincerely,

Original Document Signed By:

TODD R. BLAND
Deputy Director
Welfare to Work Division