



CDSS

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GOVERNOR

March 19, 2015

ALL COUNTY LETTER (ACL) NO. 15-31

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 CONSORTIUM PROJECT MANAGERS

SUBJECT: CALIFORNIA WORK OPPORTUNITY AND RESPONSIBILITY TO KIDS (CalWORKs): HOME VISITS AS REASONABLE ACCOMMODATION TO COMPLETE THE FACE-TO-FACE INTERVIEW REQUIREMENT FOR CALWORKS

REFERENCES: WELFARE AND INSTITUTIONS (W&I) CODE SECTION 11052.5; GOVERNMENT CODE SECTIONS 11135 AND 12926; MANUAL OF POLICIES AND PROCEDURES (MPP) SECTIONS 40-105.3, 40-131 AND 40-161; ACL NO. 01-42 AND 12-26; ALL COUNTY INFORMATION NOTICE (ACIN) NO. I-15-03

The purpose of this letter is to clarify the CalWORKs program home visit requirements and to remind County Welfare Departments (CWDs) that pursuant to the Americans with Disabilities Act (ADA) and reasonable accommodation laws, the CWD must provide accommodations when an applicant(s) is unable to attend a face-to-face interview in the CWD office due to a physical or mental impairment. This ACL is not intended to describe the ADA or to define reasonable accommodation. Please see Government Code Sections 11135 and 12926 and the ADA for definitions of physical and mental impairments and detailed information on reasonable accommodations.

Background

The W&I Code Section 11052.5 states no applicant shall be granted aid until he or she has been personally interviewed by the CWD. MPP Section 40-131.11 states a face-to-face interview is required to be conducted with the applicant(s) prior to the granting of aid. MPP Section 40-131.11 also references MPP Section 40-161 for the requirements

for home visits in CalWORKs. ACIN No. I-15-03 provides that home visits may be used when an applicant or recipient is unable to attend a face-to-face interview due to a physical or mental impairment. ACL No. 01-42 talks about the ADA requirements to ensure equal access to federally-assisted aid programs by individuals with disabilities.

After reviewing the current language within the MPP, the CDSS has determined that additional clarification regarding the use of home visits would be helpful in order to ensure CWDs are providing appropriate accommodations to applicants when they are unable to attend a face-to-face interview in the CWD office.

Accommodations Related to Face-to-Face Interviews

Reasonable accommodations shall be provided to applicants who are unable to attend a face-to-face interview in the CWD office due to physical or mental impairment. Examples of physical or mental impairments include, but are not limited to: applicants with medical or emotional issues which prevent them from coming in to the county office; someone who is in the hospital or was recently released from the hospital and is unable to travel outside of the home; or someone who has an active communicable disease.

When a CalWORKs applicant reports, or the CWD has reason to believe that an applicant has a physical or mental impairment which prevents him or her from attending an interview in the county office, an accommodation shall be offered to the applicant. CWDs must accommodate these applicants by conducting a home visit in order to complete the face-to-face interview for CalWORKs. If a home visit is not feasible, the CWD must communicate with the applicant to determine an alternative accommodation that will be effective in meeting the applicant's needs.

In addition, CWDs are strongly encouraged to provide home visits for other extreme circumstances, such as an inability to access adequate transportation (either due to lack of funds or when the county office is a considerable distance from the applicant's residence), or any other issue identified by the CWD in consultation with the applicant(s). CWDs are required to use their discretion in order to determine when an accommodation is necessary based on the individual case circumstances. Additionally, any time an applicant indicates they cannot attend the face-to-face interview the CWD must inquire whether this is because of a disability or other extreme circumstance, and evaluate the case for any necessary accommodations.

The clarification in this letter on the CWD duty to provide the option of home visits to complete the applicant's face-to-face interview does not replace the applicant's responsibility to complete the interview prior to the granting of aid. Furthermore, the need for an accommodation related to the face-to-face interview shall be assessed on a case-by-case basis and granted based on CWD discretion. If a request for reasonable accommodation is denied, the CWD must remind the applicant of their right to file a

complaint of discrimination if they feel they have been discriminated against by speaking with their county's designated civil rights representative or by writing to the State Civil Rights Bureau at: 744 P Street, MS 8-16-70, P.O. Box 944243, Sacramento, CA 94244-2430 or by calling toll free 1-866-741-6241 or for the hearing impaired TDD 1-800-688-4486 (as explained on the SAWS 2A – Rights and Responsibilities form).

CWDs are reminded that existing rules pertaining to Statewide Fingerprint Imaging System (SFIS) requirements at MPP Section 40-105.3 continue to apply and are not waived or changed under the guidance regarding home visits specified within this letter. Counties must use mobile SFIS devices in order to obtain photo and fingerprint images when conducting home visits to complete the face-to-face interview. If the CWD does not have a mobile SFIS device, or if they experience technical difficulties with the mobile SFIS device, the CWD and applicant may schedule a separate appointment at a mutually agreeable time, to complete the SFIS requirements no later than 60 days from the initial attempt. The CWD shall not deny or delay granting aid to an otherwise eligible applicant(s) because of technical problems with the SFIS.

Regulation Changes

Regulation changes pertaining to home visits within MPP Section 40-161 will be made to include additional provisions on the option of home visits to complete face-to-face interviews during the application process. The purpose of the amendments is to clarify the policies outlined in this letter within the MPP. However, until such amendments are completed, CWDs shall use the guidance provided within this letter, effective immediately.

Contacts

If you have questions regarding this letter, please contact your assigned CalWORKs county consultant directly or call the CalWORKs Eligibility Bureau at (916) 654-1322.

Sincerely,

Original Document Signed By:

TODD R. BLAND
Deputy Director
Welfare to Work Division