

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814



REASON FOR THIS TRANSMITTAL

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

August 22, 2002

ALL COUNTY INFORMATION NOTICE NO. I-63-02

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

SUBJECT: FINAL REGULATIONS ALLOWING U.S. DEPARTMENT
OF LABOR (DOL) WELFARE-TO-WORK (WtW) GRANT PROGRAM
PAID COMMUNITY SERVICE AND PAID WORK EXPERIENCE AS
COUNTABLE POST 18- OR 24-MONTH ACTIVITIES

REFERENCE: ALL COUNTY LETTER (ACL) NO. 01-84

The purpose of this letter is to transmit the final regulations that implement Assembly Bill (AB) 1692 (Chapter 652, Statutes of 2001) that were approved by the Office of Administrative Law and became effective on August 1, 2002. These regulations permit participation in U.S. DOL WtW Grant program paid community service and paid work experience to count toward meeting the work requirement for California Work Opportunity and Responsibility to Kids (CalWORKs) recipients who reach their 18- or 24-month time limits. Prior to the passage of AB 1692, post 18- or 24-month time limit activities that counted toward the CalWORKs required hours of participation were limited to primarily unsubsidized employment or unpaid community service. AB 1692 also authorized the California Department of Social Services (CDSS) to implement the changes to the CalWORKs Welfare-To-Work (WTW) program by ACL. In accordance with ACL 01-84, which CDSS issued on December 10, 2001, the provisions of AB 1692 became effective January 1, 2002.

If you have questions regarding WtW Grant program requirements, please contact Pat Loader at (916) 654-1770. If you have questions regarding CalWORKs WTW program requirements, please contact Audrey King at (916) 654-0946.

Sincerely,

Original Document Signed By
Charr Lee Metsker on 8/22/02

CHARR LEE METSKER, Chief
Employment and Eligibility Branch

Attachment

Amend Section 42-701.2(w) to read:

42-701 INTRODUCTION TO WELFARE-TO-WORK (Continued)

42-701

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

(w)(1) "WtW Grant program" means the Welfare-to-Work (WtW) Grant program as described in 42 U.S.C. 603(a)(5), authorizing the U.S. Department of Labor to provide WtW grants to states and local communities.

(2) "Welfare-to-Work Plan" (Continued)

~~(43)~~ "Work Experience" (Continued)

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

Reference: Section 8172, Education Code; Sections 10063, 10800, 11320, 11320.3(b)(3)(A), 11322.6, 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).

Amend Sections 42-710.1, .2, and .3 to read:

42-710 18- AND 24-MONTH TIME LIMITS

- .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 activities, including 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. (Continued)

- .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 activities, including 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. (Continued)

- .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 activities, including 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. (Continued)

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

Reference: Sections 10532(c)(2), 11320.1(c) and (d), 11320.3(a) and (b), 11322.6(f), 11322.9, 11325.23(c), 11327.5(c), 11454, 11454.5(a), and 11495.1, Welfare and Institutions Code.

Amend Sections 42-711.522(c)(1), .544, .91, .931, and .941 to read:

42-711 WELFARE-TO-WORK PARTICIPATION REQUIREMENTS (Continued) 42-711

.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: (Continued)

(c) A general description of the rights, duties, and responsibilities of the participants, including the following:

(1) A list of the exemptions from the required participation, pursuant to Section 42-712; (Continued)

.54 Self-Initiated Programs (SIPs)

.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 42-716.111(a) through (j) inclusive and in accordance with Section 42-711.5, to reach the 32-hour requirement. (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, ~~including~~ 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: (Continued)

.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, ~~and~~ grant-based OJT community service, WtW Grant program paid community service, and/or WtW Grant program paid work experience; or, (Continued)

.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, ~~and~~ grant-based OJT community service, WtW Grant program paid community service, and/or WtW Grant program paid work experience; or, (Continued)

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

Reference: Sections 11253.5(b), 11320.1, 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 11454(a), Welfare and Institutions Code; 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 42-712.441(a) to read:

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

.4 (Continued)

.44 Exemption Based on Disability

.441 (Continued)

(a) The disability is expected to last ~~of~~ at least 30 calendar days; and
(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 42-718.21 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.

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 Sections 42-719.11, .111, .2, and .3 to read:

42-719 SCHOOL ATTENDANCE

42-719

.1 (Continued)

.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)

.2 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. (Continued)

.3 Failure by teens ages 16 and 17 to comply with the mandatory activities in their welfare-to-work plan, developed in accordance with Section 42-719.11, shall result in a reduction in the grant amount to the AU in accordance with Section 40-105.5. (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 42-721.511(d) to read:

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

.5 State Hearing and Formal Grievance (Continued)

.51 (Continued)

.511 State Hearing (Continued)

(d) If a welfare-to-work participant or other affected party is dissatisfied with a state hearing decision involving on-the-job working conditions or workers' compensation coverage, the party may appeal the decision to the appropriate state regulating agency. (Continued)

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

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