



CDSS

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January 09, 2012

ALL COUNTY LETTER NO. 12-03

REASON FOR THIS TRANSMITTAL

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

TO: ALL COUNTY WELFARE DIRECTORS
ALL COUNTY CALFRESH PROGRAM COORDINATORS
ALL CONSORTIUM PROJECT MANAGERS

SUBJECT: PASSAGE OF SENATE BILL 43 AND CHANGES TO THE
CALFRESH EMPLOYMENT AND TRAINING PROGRAM

REFERENCE: SENATE BILL 43

The purpose of this letter is to inform the County Welfare Departments (CWDs) of the passage of Senate Bill (SB) 43 and to explain the provisions contained in this legislation. SB 43 adds Section 18926.5, which contains modifications to CalFresh Employment and Training (E&T) requirements, to the Welfare and Institutions Code. CalFresh E&T was formerly known as the Food Stamp Employment & Training (FSET) program. It is important to note that CalFresh E&T only serves Non-Assistance CalFresh recipients. The changes made in this All County Letter (ACL) are effective January 1, 2012.

Additional E&T Deferrals Applicable To All Counties Offering an E&T Program

Within the work registrant population, certain persons may be excused or “deferred” from participation in E&T for reasons that include those listed at Manual of Policies and Procedures (MPP) Section 63-407.811; however, individuals that are deferred from E&T may participate on a voluntary basis. SB 43 adds additional deferral criteria to which all E&T counties must adhere, irrespective of their existing deferral policies. Work registrants must be deferred from participation if they are:

- o Under 18 years of age or 50 years of age or over;
- o Living in a CalFresh household with a child under the age of 18, regardless of whether or not the child is receiving, or is eligible to receive, CalFresh benefits; or
- o Living in a federally determined work surplus area.

For Federal Fiscal Year (FFY) 2012, the majority of California counties must defer their entire work registrant population from mandatory participation in E&T due to being a federally determined work surplus area. Only Contra Costa, Inyo, Marin, Mono, Napa, Orange, San Diego, San Francisco, San Mateo, Santa Barbara, and Santa Cruz counties, as a whole, are not considered federally determined work surplus areas for FFY 2012. It is important to note that within the aforementioned counties, there may be cities that are considered federally determined work surplus areas. Those counties with cities that are considered work surplus areas are Contra Costa, Orange, San Diego, San Mateo, Santa Barbara, and Santa Cruz. In those areas that are work surplus areas, work registrants are not required to be assigned to mandatory E&T participation. For FFY 2012, the following cities have been determined work surplus areas within a county that is NOT a federally determined work surplus area:

Contra Costa: Antioch, Concord, Pittsburg, Richmond, and San Pablo

Orange: Anaheim, Buena Park, Fullerton, Garden Grove, La Habra, Santa Ana, Stanton, and Westminster

San Diego: Chula Vista, El Cajon, Escondido, Imperial Beach, Lemon Grove, National City, San Diego, San Marcos and Vista

San Mateo: Daly City, East Palo Alto, and South San Francisco

Santa Barbara: Lompoc and Santa Maria

Santa Cruz: Santa Cruz and Watsonville

Counties are encouraged to visit <http://www.doleta.gov/programs/lisa.cfm> each FFY to determine if they are considered a federally determined work surplus area, which will determine if a county will need to defer all work registrants from mandatory E&T participation. Please note that counties that have decided to maintain an all-voluntary CalFresh E&T program will not need to monitor their work surplus status. Counties are strongly encouraged to notify their non-mandatory E&T work registrant population that they may voluntarily participate in E&T.

All work registrants who are currently in sanction for noncompliance with E&T, but who now would be deferred from E&T given the passage of SB 43, must continue in sanction until their minimum durational sanction ends or if they would qualify for an exemption to work registration at MPP 63-407.21. This is because the new deferrals and those listed at MPP 63-407.811 are not considered work registration exemptions and cannot end a durational CalFresh sanction.

Impact On E&T Sanction Policies

SB 43 has no effect on General Assistance (GA) or General Relief (GR) county programs and GA/GR sanctions can still be imposed on these programs for non participation. Counties can continue to align their GA/GR programs with their CalFresh

E&T programs and limit their E&T target population to persons in receipt of GA/GR. In counties aligning GA/GR with CalFresh, CWDs are reminded that failure to comply with a GA/GR activity, which also serves as an E&T activity, will not result in the loss of CalFresh benefits if the E&T component is voluntary. All participants in work surplus areas are voluntary; however, participants will not be eligible for E&T participant reimbursements for transportation and other supportive services while not participating in E&T. The following examples are provided to assist counties in their understanding of the relationship between CalFresh and GA sanction policies.

- Example 1: Scott is receiving both GA and CalFresh benefits. He is participating in job club as his mandatory GA component, which also serves as his E&T component. Scott fails to satisfy job club requirements and receives a GA sanction. For the purposes of E&T, Scott is a voluntary participant since he meets the new deferral based on living in a work surplus area. Scott's CalFresh benefits will not be impacted during the GA sanction. Scott will no longer be eligible to receive E&T transportation and other support services unless he is reassigned to E&T as a stand-alone CalFresh program.
- Example 2: Megan is assigned to workfare as her E&T component. She receives CalFresh, but is not eligible for GA. Her county serves employable, able-bodied adults, irrespective of their eligibility for GA. Four weeks into her assignment, she stops participating. Since she is now defined as an E&T volunteer due to living in a federally determined work surplus area, a CalFresh sanction is not imposed. Megan remains eligible for CalFresh, provided she meets all other eligibility requirements. Megan will no longer be eligible to receive E&T transportation and other support services unless she is reassigned to E&T.
- Example 3: Tim is a work registrant and a GA recipient who lives in a county that is not designated as a work surplus area and has no cities within the county that are considered work surplus areas. In addition, Tim also does not qualify for any other E&T deferrals. The county's E&T program is a mandatory program for CalFresh recipients who also receive GA. Tim is assigned to job search, but he fails, without good cause to make the required number of job search contacts. Tim would receive both CalFresh and GA sanctions as a result of his failure to comply unless he qualifies for a work registration exemption.

Effective Use Of E&T Funds

For FFY 2013, participating counties will be required to describe, as part of their E&T plan, how they will effectively use E&T funds in administering their program components. The California Department of Social Services (CDSS) will update the FFY

2013 CalFresh E&T plan template to identify the types of program and/or financial data which will satisfy this requirement. In the meantime, CDSS encourages counties to continue/start collecting any available data that demonstrates a positive connection between E&T participation and the acquisition of employment or attainment of important pre-employment benchmarks. Such data can include the number of participants who obtained employment, the types of employment found, pay ranges, completion of training, etc. CDSS is eager to learn which data sources or methodologies might be used to identify and track effective use and encourages counties to share this information with our staff.

In accordance with SB 43, regulations in the MPP will be adopted and implemented by October 1, 2013. In the meantime, counties shall implement the provisions of SB 43 based on the instructions contained in this ACL and any future policy guidelines. If you have any questions concerning this letter, please contact Robert Nevins, Analyst, at (916) 654-1408 or by e-mail at Robert.Nevins@dss.ca.gov.

Sincerely,

Original Document Signed By:

TODD BLAND
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Welfare to Work Division