

DEPARTMENT OF SOCIAL SERVICES
744 P Street, Sacramento, CA 95814



August 15, 1989

ALL-COUNTY LETTER NO. 89-74

TO: ALL COUNTY WELFARE DIRECTORS
ALL COUNTY GAIN COORDINATORS

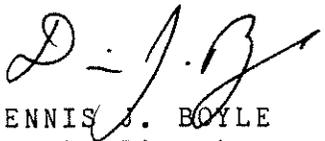
SUBJECT: GAIN POLICY QUESTIONS AND ANSWERS REGARDING
IMPLEMENTATION OF THE FEDERAL JOB OPPORTUNITIES AND
BASIC SKILLS (JOBS) TRAINING PROGRAM REQUIREMENTS

REFERENCE: ALL-COUNTY LETTER (ACL) 89-57

This is a follow-up to training provided by the State Department of Social Services on June 15, 1989 on the new State regulations implementing changes in the Greater Avenues for Independence (GAIN) Program due to the implementation of JOBS.

This letter confirms many of the answers provided in the training session and includes questions raised by Counties subsequent to the session. There are some issues which are yet to be resolved. We will provide follow-up question and answer letters as policy decisions are reached.

As noted in ACL 89-57, questions related to fiscal, statistical reporting, or County Approval issues should be addressed to the contact persons listed. If you have questions regarding this letter, please call your GAIN and Employment Services Operations analyst at (916) 324-6962.


DENNIS J. BOYLE
Deputy Director

cc: CWDA

MPP 42-720.6 - Statutory Reductions

1. Q. If a County is under statutory reductions but could include all individuals who express a desire to participate, is the County limited to serving Family Support Act target group individuals?
 - A. No. Counties under statutory reductions are required to give priority for services to target group individuals; however this does not preclude the County from serving non-target group individuals if resources are available and participation by these individuals would not interrupt services to individuals already participating in GAIN.

2. Q. Must a County under phase-in give priority for services to FSA target group individuals?
 - A. No, this requirement applies only to those Counties under a statutory reduction plan. However, the County may want to determine whether an adjustment to their phase-in target groups is advisable in order to minimize potential impact if the County had to institute statutory reductions.

3. Q. Will the Eligibility Workers have to identify the target group individuals for purposes of priority for participation or will the GAIN worker do this?
 - A. Counties should continue to use whatever process is in place for purposes of statutory reductions or phase-in priority determination.

MPP 42-730.27 - Time Limitation on Job Search

4. Q. Do job search activities performed prior to July 1, 1989 count for purposes of the JOBS job search limitations?
 - A. No, the job search limitations are effective July 1, 1989. The first 12 consecutive month period begins on the first day an individual participates in a job search activity which is subject to time limitations.

5. Q. If a participant is deferred, exempted, sanctioned, or deregistered subsequent to initiating the 12-month period and returns to GAIN, does the 12-month period start over?
- A. No. Once the 12-month period is initiated, it continues to run. For example, if the participant completes three weeks of job search beginning on August 1, 1989, finds a job on September 1, 1989, goes off aid for six months and returns to GAIN on March 1, 1989, the individual may be required to do up to 13 weeks of job search through July 31, 1990 (the close of the 12 consecutive month period).
6. Q. Does the workshop portion of job club count toward the job search limit?
- A. Yes.
7. Q. If an AFDC applicant goes into the three-week pre-assessment job club or job search component, does this time count toward the job search limit?
- A. Yes. The time is counted the same for AFDC applicants and recipients.
8. Q. If the County requires an individual to participate in job search because the education or training activity agreed to in the contract is not immediately available as required by MPP 42-771.42 and 42-774.121(d), does it count toward the job search limit?
- A. Yes. This type of job search is limited to the equivalent of eight weeks in any 12 consecutive month period as specified in MPP 42-730.271.
9. Q. Does participation in job search activities during the 90-day period of job search services required for individuals who remain unemployed after successful completion of the assigned training or education services (MPP 42-774.2) count toward the overall 16-week limit?
- A. Yes. Any job search workshops, supervised job search, or unsupervised job search activities during the 90-day period are subject to the job search limits.

10. Q. Is the 90-day period of job search services required by MPP 42-774.2 considered job search which is "in conjunction with" other education or training?
- A. Yes. Participation in job search activity during this 90-day period is considered to be in conjunction with education or training.
11. Q. During a 12 consecutive month period, if the participant only goes to the three-week pre-assessment job club/job search, can the remaining 13 weeks of the 16-week limit be used for 90-day job search?
- A. Yes.
12. Q. What should the County do when a participant in the 90-day job search component reaches the 16-week limit on job search activity during the 90-day job search period?
- A. The regulations (MPP 42-774.2) specify that the 90-day job search period is subject to the 16-week limit. Therefore, if the participant reaches the job search limit while in the 90-day job search component, the County shall evaluate the participant's situation and reassign him/her to an advanced long-term PREP assignment as required by MPP 42-774.21.
13. Q. Will the three-week job search prior to assessment be unsupervised or supervised under JOBS requirements?
- A. The composition of the existing GAIN components do not change with implementation of JOBS.

MPP 42-730.32 - Preemployment Preparation (PREP)

14. Q. Are participants in PREP assignments allowed to volunteer for more hours of work per week than those required by the PREP computation?
- A. Yes. Participants can only be required to work the amount of hours determined by the use of the PREP formula up to a maximum of 32 hours per week. However, this does not preclude participants from agreeing to work additional hours up to 32 hours per week.

The Department is developing policy and procedures to implement volunteer hours including appropriate notices, actions when the participant fails to participate without good cause and job seeking requirements. We will inform you of these policies and procedures as soon as possible.

MPP 42-761.38 - GAIN Appraisal

15. Q. Will it be necessary to develop a preliminary employment goal for those participants enrolled in GAIN components prior to JOBS implementation?
- A. No. Preliminary employment goals will only be required for those participants completing appraisals as of July 1, 1989 and who have not completed a basic participant contract.
16. Q. Under JOBS, if the GAIN worker and the applicant cannot agree on the preliminary employment goal, should a third party assessor be called?
- A. No. The regulations state that the preliminary employment goal shall reflect the preferences of the applicant to the maximum extent possible. If this is not possible, the GAIN worker will use a preliminary employment goal developed by the County. The applicant should be informed of the basis for the County's decision (e.g., labor market needs, past work history, available resources). The GAIN worker should emphasize that this goal is preliminary and not binding. A third party assessor will not be used for disagreements relating to preliminary employment goals.

MPP 42-761.4 - Deferrals

17. Q. Can Counties categorically defer individuals? For example, can all 16 and 17 year old custodial parents who are not in school and who do not possess a high school diploma be automatically deferred?
- A. No. All individuals who meet a deferral criteria must be informed of their right to participate and of their right to be deferred.

18. Q. Does the second parent deferral apply to custodial second parents under age 20 who do not have a high school diploma or equivalent?
- A. Yes, any mandatory registrant can be deferred pursuant to any of the criteria contained in MPP 42-761.

MPP 42-772.4 Self-Initiated Programs (SIPs)

19. Q. Can the County approve a SIP for GAIN participants who are AFDC applicants and wish to remain in a SIP?
- A. Yes. The restriction on GAIN activities under MPP 42-772.8 does not preclude individuals from continuing participation in SIPs if it is approved in accordance with requirements found in MPP 42-772.42.
20. Q. How does the education requirement for parents under age 20 who do not have a high school diploma or equivalent impact those who prior to July 1, 1989, were enrolled in a self-initiated program (SIP) which does not lead to a high school diploma or equivalent?
- A. Such custodial parents shall be allowed to complete the SIP. If they do not obtain employment upon completion of the SIP or if their participation is not satisfactory (per MPP 42-772.44), they shall then be referred to educational activities which will lead to a high school diploma or equivalent.
21. Q. After July 1, 1989, can SIP vocational training be approved for a custodial parent under age 20 who does not have a high school diploma or equivalent?
- A. Yes, as long as the SIP does not interfere with the full-time educational activity.

MPP 42-772.6 - Participation Requirements

22. Q. Does the 20-hour per week participation restriction for parents with children ages three, four, or five apply to individuals in job search?
- A. The 20-hour per week participation restriction is applicable in all components. The only exception is for custodial parents under age 20 who do not possess a high school diploma or equivalent; these parents are required to participate full-time in an educational activity leading to a high school diploma or equivalent regardless of the age of the child.

23. Q. How does a component assignment that exceeds 20 hours per week impact a parent who has a child ages three, four or five?
- A. Such parents can only be required to participate for 20 hours per week; however this does not preclude the County authorizing additional hours if the parent agrees.

MPP 42-772.7 - Parents under Age 20

24. Q. Can custodial parents under age 20 who do not have a high school diploma or equivalent be referred to basic education or English-as-a Second Language if it is necessary to obtain a high school diploma or equivalent?
- A. Yes. A custodial parent under age 20 who does not have a high school diploma shall be referred to any activity necessary to enable her/him to obtain a high school diploma or equivalent.
25. Q. What is the appropriate action to take for custodial parents under age 20 who do not have a high school diploma or equivalent and turn 20 before completing their educational activity?
- A. If the parent's child is under age three, he/she would become exempt and therefore could not be required to continue participation; he/she should be encouraged to volunteer in order to complete the educational activity. If the parent's child is age three, four or five, continued participation is required; however, participation in excess of 20 hours cannot be required. If this participant's child is age six or over, continued full-time participation is required.
26. Q. Must the County verify that custodial parents under age 20 possess a high school diploma or equivalent?
- A. The County can accept the client's statement; however if the statement is questionable, the County can require documentation.
27. Q. Will the CA 2 be revised to include a question regarding possession of a high school diploma or equivalent?
- A. Yes, we will be working with AFDC staff on this revision.

MPP 42-772.81 - Applicants

28. Q. Can AFDC applicants, who have completed job club or job search, be required to participate in unsupervised job search until AFDC eligibility has been established or for the remainder of the eight-week period, whichever comes first?

A. Yes.

MPP 42-784 - Net Loss of Income (NLI)

29. Q. When determining post-employment income, can Counties cap the transportation expenses to be counted in the NLI formula?

A. No.

30. Q. What is the maximum child care expense allowed for the NLI calculation? The regional market rate?

A. The County shall use the child care expenses that are expected, if known; otherwise, the regional market rate shall apply.

MPP 42-786 - Sanctions

31. Q. The regulations (MPP 42-786.314) state that in AFDC-U parent cases if one parent is being sanctioned the spouse's aid will be discontinued. Does this apply when the parents are not legally married?

A. Yes. In addition, MPP 42-786.315 also applies to parents who are not legally married.

32. Q. For purposes of sanctions, at what point is a person considered to have "agreed to participate"?

A. Sanctioned individuals have "agreed to participate" when they have signed a GAIN Contract Activity Agreement.

33. Q. Does the requirement in MPP 42-786.24 to send a notice informing the individuals of their option to end their sanction apply to the first instance of non-compliance?

A. Yes, according to MPP 42-786.24, any time a sanction lasts longer than three consecutive months the requirement to send the informing notice applies.

34. Q. What happens to individuals whose 3-month money management period extends past July 1, 1989?
- A. These individuals would continue in money management and if they fail to agree to participate by the end of the money management period, financial sanctions for a first instance of non-compliance shall be applied:

MPP 42-788 thru 798 - Exemptions

35. Q. Does the pregnancy exemption apply to custodial parents under age 20?
- A. Yes. The only exemption that does not apply to custodial parents under age 20 is the exemption for having a child under age 3.
36. Q. If a parent is age 15 and has a child ages three, four or five, is she a mandatory registrant or is she exempt?
- A. She is exempt because she is under age 16.
37. Q. What is the status of new mandatory registrants who choose to participate between July 1989 and January 1990?
- A. New mandatory registrants who choose to enter the program prior to their required phase-in date are considered to be mandatory participants.

Reporting Requirements

38. Q. Several changes have been made on the GAIN Appraisal Form (GAIN 26) due to JOBS implementation. The GAIN 26 is currently completed at appraisal. Will it be necessary to change the point of completion to an earlier point such as the eligibility worker referral to GAIN so that data is collected on individuals who are no-shows for GAIN Appraisal?
- A. The GAIN 26 will continue to be completed at the time of appraisal. We are not requiring a change in this procedure at this time.

39. Q. Are there any reporting requirement changes on the GAIN 25 Report as a result of JOBS implementation?
- A. No, there are no reporting requirement changes on the GAIN 25 Report at this time.

Notification Requirements

40. Q. Will the State be preparing an information notice to be sent to all AFDC households to elicit contacts from the new mandatory registrants who wish to enter the program prior to their required phase-in?
- A. We have no plans to prepare such a notice.
41. Q. When sanctioning an AFDC-U parent, can the sanction notice of action be used to notify the other parent of his/her opportunity to participate in GAIN and avoid being sanctioned?
- A. No. The other parent must receive his/her own notification at the beginning of the formal conciliation period (per MPP 42-781.63). We are developing standard language for this purpose.
42. Q. Will the Income Maintenance staff or the GAIN staff be responsible for sending the notice to the other parent?
- A. The decision on who sends out the notice is up to the CWD.
43. Q. Should the revised GAIN Guidebook be sent to all participants to let them know the changes that are being made in the GAIN Program?
- A. The revised GAIN Guidebook should be given to each participant at his/her next regularly scheduled GAIN appointment; the changes should be verbally reviewed with each participant. We are developing a summary of the changes to the Guidebook that can be used for review purposes.