

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



April 12, 1990

ALL-COUNTY LETTER NO. 90-35

TO: ALL COUNTY WELFARE DIRECTORS  
ALL COUNTY GAIN COORDINATORS

SUBJECT: DEFINITION OF NON-COMPLIANCE FOR GAIN SANCTIONS

REFERENCE: ALL-COUNTY LETTER (ACL) 89-95

The purpose of this All-County Letter (ACL) is to inform you of a change in how to determine the appropriate financial sanction in the Greater Avenues for Independence (GAIN) Program under Manual of Policies and Procedures Section 42-786. Currently when determining which sanction to impose, the number of instances of non-compliance without good cause are considered. This includes those instances which were successfully conciliated and did not result in the imposition of a financial sanction.

As a result of a recent Federal interpretation of 45CFR 250.34(a)(1), only those instances of non-compliance without good cause which are not successfully conciliated and which result in the issuance of a sanction notice of action (NOA) are to be considered. Instances of non-compliance without good cause which are successfully conciliated are no longer considered instances of non-compliance for sanctioning purposes.

EXAMPLE: An individual has an initial instance of non-compliance without good cause and does not conciliate. A sanction NOA is sent for the first instance sanction which is curable at any time. Upon receipt of the sanction NOA, the individual agrees to participate and "cures" the sanction during the timely notice period. This is considered the first instance of non-compliance.

At a later date, the individual has another instance of non-compliance without good cause, but successfully conciliates before the sanction NOA is sent. This is not considered an instance of non-compliance for purposes of any future sanctions.

The individual then has a subsequent instance of non-compliance without good cause and does not conciliate. A sanction NOA is sent for the second instance sanction, which must last a minimum of three months. This is the appropriate sanction as this is the second instance of non-compliance which has resulted in the issuance of a sanction NOA.

If you have any questions, please contact your GAIN and Employment Services Operations analyst.

  
DENNIS J. BOYLE  
Deputy Director

cc: CWDA