

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



July 26, 1990

ALL-COUNTY LETTER NO. 90-68

TO: ALL COUNTY WELFARE DIRECTORS
ALL COUNTY GAIN COORDINATORS

SUBJECT: TWO-YEAR POLICY FOR SELF-INITIATED PROGRAMS (SIPS)

REFERENCE: ALL-COUNTY LETTER NO. 86-125

The Department is issuing this All-County Letter in response to recent litigation. The case, Jacobson vs. McMahon, challenges certain practices with respect to Self-Initiated Programs (SIPs). This is to clarify the application of current regulations concerning the two-year limit for SIPs under the Greater Avenues for Independence (GAIN) Program. Further, this letter clarifies the application of regulations concerning persons who have reached the two-year limit but have not completed their SIPs.

Manual of Policy and Procedures (MPP) sections 42-730.54 and 42-772.41 limit the time for which a GAIN participant may be reimbursed for supportive services while pursuing self-initiated education or training. In practical application, these provisions have created confusion and, in some instances, have been interpreted incorrectly to limit approval of self-initiated programs to those which can be completed within two years. The MPP sections 42-730.54 and 42-772.41 do not provide the authority for Counties to disapprove a SIP solely on the basis that it would take longer than two years to complete. These sections only limit (1) the time the SIP may be considered as meeting GAIN participation requirements and (2) the time for which supportive services may be paid to persons in SIPs. County SIP approval criteria may not exceed the requirements and authority of State regulations.

The MPP section 42-772.44 requires a participant who has either completed the program or reached the two-year limit to participate in subsequent GAIN components. However, the MPP section 42-772.4 requires that the basic contract "shall provide for continued participation in the program until completion." Under the current regulations, participants who have reached the two-year limit, but have not completed their programs, need to confer with case managers to determine their status for purposes

of further participation. Although some participants may qualify for deferrals (such as that contained in MPP section 42-761.4(a) where the caretaker relative of a child aged three to five is enrolled in school), Counties should encourage participation in the next component if that participation would not interfere with the completion of the approved SIP.

If scheduling conflicts are unavoidable, participants will have good cause for non-participation under one or more provisions. Persons having such good cause may be excused from participation. Counties need not refer the individual to the component. Under MPP Section 42-782.1(1), the participant may have good cause if she or he "is engaged in an employment or training activity that is consistent with the employability objectives of the program, and prior notification and approval from the CWD has been received (emphasis added)." This good cause criterion would only apply if the SIP was for vocational training and would not be applicable to educational programs.

Except as provided below, MPP section 42-783.1(i) would provide for good cause for non-participation in the next GAIN component if it involved "accepting employment, offer of employment, or work activity [that] would interrupt an approved education or job training program." Participation in a work activity such as on-the-job training that would interrupt the SIP or force the client to miss classes or necessary educational activities (such as laboratories, group study sessions, or tutoring) could not be required under this section. On-the-Job-Training, Preemployment Preparation (PREP), Supported Work, and Transitional Employment are examples of GAIN components that would be considered "work activities" under this good cause criterion. If the person is offered a job that provides employment and sufficient income to lead to self-support, and the job offer is within the scope of the employment plan, the participant would be required to accept the job offer, regardless of whether the previously approved SIP is completed.

In some cases, GAIN participants may reach the two-year limit and not meet the conditions of the deferral criteria or the two good cause criteria above. If participation in further GAIN components can not be scheduled during a time that would allow the participant to continue the SIP on his or her own, Counties shall grant good cause for non-participation under MPP Section 42-782.1(n) which allows Counties to grant good cause for any substantial and compelling reason. The reason for granting good cause in this case is the regulation section mentioned above which requires that the basic contract for a SIP must provide for continued participation until completion (MPP section 42-772.4).

In any case, supportive services may not be given to a participant for continuation of the SIP past the two-year limit unless continuation of that program is approved as a post-assessment activity.

Any actions taken by Counties since June 1, 1990 that conflict with the instructions stated in this letter should be corrected as soon as possible. Any proposed actions to sanction clients who would have good cause or meet deferral criteria under these provisions should be stopped.

If you have any question concerning this letter, please contact your GAIN and Employment Services Operations Analyst at (916) 324-6962.



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Deputy Director

cc: CWDA