

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814



July 2, 1998

ALL COUNTY LETTER NO. 98-49

TO: ALL COUNTY WELFARE DIRECTORS
ALL CalWORKs PROGRAM SPECIALISTS

REASON FOR THIS TRANSMITTAL

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

SUBJECT: CALIFORNIA WORK OPPORTUNITY AND RESPONSIBILITY TO KIDS
(CalWORKs) DIVERSION AND UNEMPLOYED PARENT DEPRIVATION
REGULATIONS

REFERENCE: AB 1542 (Chapter 270, Statutes of 1997); ACL 97-65 and ACL 97-68

The purpose of this All County Letter (ACL) is to transmit emergency regulations to the County Welfare Departments (CWD) regarding the Diversion program and changes to unemployed parent deprivation under CalWORKs. On October 29, 1997, the California Department of Social Services (CDSS) issued ACL 97-68 which implemented the Diversion program and ACL 97-65 which implemented changes to the unemployed parent deprivation provisions under AB 1542. These provisions were effective January 1, 1998.

DIVERSION

AB 1542 requires that each county have a Diversion program for applicants and that applicants also be notified of the availability of diversion services prior to approval of their CalWORKs application. Form CW 88 Notice and Agreement has been developed for this purpose and will be issued in the near future.

UNEMPLOYED PARENT DEPRIVATION

These regulations reflect those policies previously stated in ACL 97-65 and provides the following changes or clarifications:

Clarifies that a recipient family would remain eligible when the principal earner parent works more than 100 hours, if otherwise eligible. ACL 97-65 stated that a recipient child would remain eligible provided the family's income does not exceed the net or gross income limits.

Page Two

Deletes regulations regarding intermittent work because of the change to a “rolling” four-week period to determine if the applicant principal earner has worked less than 100 hours. Eliminates the readjustment period, work registration, Employment Development Department Job Search (EDD-JS) referral requirements, and good cause criteria as these areas either no longer apply or are not specific to unemployed parent deprivation.

AB 1542 also required that regulations regarding these provisions be adopted no later than July 1, 1998. The attached emergency regulations (Attachment A) were submitted to the Office of Administrative Law with an effective date of July 1, 1998.

Updated and new Notice of Action messages are included in Attachment B. Counties should call the Forms Management Bureau at (916) 654-1907 or CALNET at 437-1907 for camera-ready copies of any form, NA form, NOA message or suggested informing language in any language. However, counties that have provided Language Services Bureau with a county contact and the specific languages (Spanish, Chinese, Cambodian, Vietnamese and Russian) will automatically be sent those languages as soon as the document (form/NA form/NOA message/informing notice) is translated.

If you have any questions regarding these regulations, please contact Linda Lattimore at (916) 653-4992.

Sincerely,
***Original Document Signed By
Bruce Wagstaff on July 2, 1998***
BRUCE WAGSTAFF
Deputy Director
Welfare to Work Division

Attachment

c: CWDA
CSAC

Adopt Section 40-032 to read:

40-032 IMPLEMENTATION OF DEPRIVATION 40-032
AND DIVERSION ASSISTANCE

.1 Effective Date This regulatory action is effective July 1, 1998

.2 Sections Repealed Section 40-169

Section 41-441

Section 41-442

Section 89-105

.3 Sections Adopted The following section is adopted with this
regulatory filing.

Section 81-215

.4 Sections Amended Section 40-109.2

Section 40-115.2

Section 40-161

Section 40-171.2

Section 41-400

Section 41-401

Section 41-440

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

Reference: Sections 11201, 11266.5, and 11454.5, Welfare
and Institutions Code (Ch. 270, Stats. 1997).

Amend Section 40-115.2 to read:

40-115 THE APPLICATION PROCESS (Continued)

40-115

.2 Steps in the Application Process

.21 Discussion of Circumstances Leading to Application (Continued)

.213 At the time of application, all applicants shall be informed of the availability of lump-sum diversion services.

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

Reference: 45 CFR 206.10(a)(1)(ii) and Sections 10553, 10554, 10604, ~~and~~ 11056, and 11266.5, Welfare and Institutions Code (Ch. 270, Stats. 1997).

Amend Section 40-161 to read:

40-161 HOME VISIT

40-161

A home visit prior to approval of aid and prior to completion of periodic redetermination of eligibility pursuant to 40-181.1 is required when living arrangements or other factors affecting eligibility, or apparent eligibility in cases of immediate need or diversion, cannot be satisfactorily determined without such a visit. However, the recipient's failure to comply with the provisions of Section 40-181.22 will result in the termination of the recipient's grant without the requirement of a home visit.

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

Reference: Section 11266.5, Welfare and Institutions Code (Ch. 270, Stats. 1997).

Repeal Section 40-169 to read:

~~40-169 GAIN PARTICIPATION OR EMPLOYMENT REGISTRATION 40-169
REQUIREMENTS FOR PERSONS APPLYING FOR AFDC OR
INCLUDED IN THE ASSISTANCE UNIT~~

- ~~.1 Federally eligible persons, including essential persons, who are not exempt under Sections 42-788 through 42-799 are automatically registered with GAIN.~~
 - ~~.11 Included are principal earners who establish federal AFDC-U eligibility for the family under Section 42-625.1.~~
 - ~~.12 For purposes of this section, persons automatically registered with GAIN shall be considered available for participation in the GAIN Program and shall participate in GAIN Program activities when directed to do so by the CWD.~~
- ~~.2 Persons required to register with EDD-Job Services are:~~
 - ~~.21 Principal earners who are exempt from WIN Demo registration under Section 42-636 (remoteness).~~
 - ~~.22 Principal earners who received State-only AFDC-U or State-only assistance.~~
- ~~.3 Persons not required to register with EDD-Job Services or WIN Demo/GAIN are:~~
 - ~~.31 State-only AFDC-U recipients who are not principal earners.~~
 - ~~.32 Federally eligible persons described in Section 40-169.1 who are exempt under Section 42-630. Principal earners who are exempt solely under Section 42-636 (remoteness) are required to register for EDD-Job Services.~~

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

Reference: ~~Section 202(a), Public Law 100-485; 45 CFR 224.0(c) and 233.100(a)(5)(i);
Sections 11310(a), 11320.4(a) and 11324.8(a)(2), AB 312, Chapter 1568,
Statutes of 1990, Welfare and Institutions Code.~~

Amend Section 40-171.2 to read:

40-171 ACTION ON APPLICATIONS, INTERPROGRAM TRANSFERS 40-171
AND INTRAPROGRAM STATUS CHANGES (Continued)

.2 Actions -- General (Continued)

.22 Application or Request for Restoration Denied

.221 County action shall be taken to deny aid if:
(Continued)

e. ~~The parent refuses to accept reasonable
employment or employment related training
when either is appropriate. (See Chapter 41-
442.2.)~~ Reserved

f. ~~The parent who is available for employment and
is physically and mentally able to work refuses to
register for employment with the State
Employment Development Department.~~
Reserved (Continued)

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

Reference: Sections 10830, 11201 (Ch. 270 Stats 1997) and 11275, Welfare and
Institutions Code; and 42 USC 402(a)(6).

Amend Section 41-400 to read:

CHAPTER 41-400 DEPRIVATION OF PARENTAL SUPPORT OR CARE

41-400 DEPRIVATION OF PARENTAL SUPPORT OR CARE 41-400

Deprivation of parental support or care is a separate and specific eligibility factor for ~~AFDC~~ CalWORKs. A child's deprivation is based on the status of his/her natural or adoptive parent or parents. (For AFDC-FC see Division 45.)

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

Reference: Section 10063, Welfare and Institutions Code (Ch. 270, Stats. 1997).

Amend Sections 41-401 to read:

41-401 BASIS OF DEPRIVATION 41-401

.1 A child is considered deprived of parental support or care if: (Continued)

.13 The principal earner is unemployed (see Section 41-440) ~~for Federal AFDC-U or Chapter 41-600 for State-only AFDC-U~~; (Continued)

.2 The recipient family of a child considered to be deprived of parental support or care due to the unemployment of the principal earner may continue to receive assistance, regardless of the number of hours the principal earner parent works, provided the AU meets all other eligibility requirements.

~~.23~~ (Continued)

~~.34~~ (Continued)

~~.341~~ ~~Federal AFDC-U~~ Unemployed parent deprivation shall not be selected if the child is eligible under another ~~federal~~ basis of deprivation, ~~and~~ (See Section 41-440.21).

~~.32~~ ~~The basis which permits federal participation shall be used first.~~

HANDBOOK BEGINS HERE

Interpretation - Regardless of the basis of deprivation upon which the child is determined to be eligible for ~~AFDC~~ CalWORKs, the requirements for securing absent parent support remain unmodified.

HANDBOOK ENDS HERE

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

Reference: Sections 10063, and 11201, Welfare and Institutions Code (Ch. 270, Stats. 1997).

Amend Section 41-440 to read:

41-440 ~~FEDERAL AFDC-U~~: UNEMPLOYED PARENT PROGRAM 41-440

The requirements of Section 41-440 apply to all principal earners who establish deprivation based on unemployment whether the individual is included or excluded from the assistance unit.

~~HANDBOOK BEGINS HERE~~

~~See Section 89-105.2 on the exemption from the 100-hour limit specified in this section for those recipients subject to the Assistance Payments Demonstration Project specified in Division 89. The county shall continue to apply the 100-hour limit to all AFDC-U applicants.~~

~~HANDBOOK ENDS HERE~~

.1 Definitions

(a) Unemployed Parent:

- (1) An unemployed parent is one of the natural or adoptive parents with whom a child is living, who is the principal earner [see Section 41-440.1(b)], and who: (Continued)
 - (B) Is employed less than 100 hours ~~per month; or~~ during the four-week period prior to the date of eligibility for cash aid based on unemployment.
 - (C) ~~Is employed 100 hours or more in a particular month but the work is intermittent and the excess over the 100 hours is temporary in nature as evidenced by:~~
 - (i) ~~his/her hours of employment were less than the 100 hours standard in the two prior months; and~~
 - (ii) ~~his/her hours of employment are expected to be less than the 100 hours standard in the succeeding month.~~
- (2) When the principal earner is employed for less than 100 hours ~~a month~~ during the four-week period prior to the date of eligibility, he/she shall not be considered employed for purposes of unemployment deprivation. (Continued)

~~HANDBOOK BEGINS HERE~~

(4) EXAMPLE:

~~A principal earner is employed part-time (80 hours a month) during the months preceding May. In May he reports that he will be working 160 hours in June because he is covering for another employee. He is expected to return to 80 hours in July. During June, unemployment deprivation exists since the principal earner worked less than 100 hours in April and May and he is expected to work more than 100 hours in June.~~

~~In July, the same principal earner reports that he is working 160 hours in July, but is not expected to exceed 100 hours in August. Since he worked over 100 hours in June, which is one of the two months preceding July unemployment deprivation does not exist for July. However, deprivation based on unemployment for June is not affected by the actual hours worked in July because in June the principal earner was expected to work less than 100 hours in July.~~

~~July does not represent a break in aid. A new determination of federal eligibility is not needed.~~

HANDBOOK ENDS HERE

- (b) Hours of Employment -- The hours an individual spent providing a service or product, whether the individual is an employee or self-employed. Any hours spent working to acquire earned income, whether the individual receives the income or not, shall be considered toward the 100-hour limit in (a) above ~~and any income earned is counted toward establishing a connection with the labor force.~~

HANDBOOK BEGINS HERE

EXAMPLE:

A principal earner is self-employed as a salesperson selling a product door-to-door. The individual spent the following hours ~~in the month of April during the four-week period prior to the date of eligibility~~ in connection with his/her occupation:

~~40~~ 36 hours collecting orders for the product.

~~15~~ 12 hours ordering the products from the supplier. This includes completing the necessary work and going to the post office.

5 hours developing and delivering flyers advertising the business.

4 hours with floor duty at the distributor's office.

32 hours delivering the products to the customers.

10 hours distributing new catalogs.

In this situation, all of the above hours count as hours worked because all hours were spent promoting the business or attempting to or making contact with prospective or actual customers.

HANDBOOK ENDS HERE

- (c) **Principal Earner:** In a home in which both parents of an eligible child are living, the principal earner is whichever parent earned the greater amount of income in the 24-month period, the last month of which immediately precedes the date of application or the month of transfer to ~~federal AFDC-U~~ the unemployed parent program as defined in Section 41-440.1(d):

When both parents qualify as the principal earner and have earned an identical amount of income in such 24-month period, the county in consultation with the parents shall designate which parent is the principal earner. ~~Such designation shall not preclude federal financial participation.~~ Once the principal earner has been determined correctly, the parent continues to be the principal earner for each consecutive month for which the family receives ~~federal AFDC-U~~ aid under the unemployed parent program.

- (d) **Date of Application or Request for Transfer to ~~federal AFDC-U~~ the unemployed parent program:** The date of application for determining ~~(or month of) the request for transfer to federal eligibility (see Section 41-440.411)~~ the unemployed parent program is either:

- (1) the date of application for ~~federal AFDC-U~~ CalWORKs benefits on the basis of unemployment of the principal earner, or
- (2) the date of an interprogram status change when a family's circumstances have changed in such a way that:
 - (A) ~~E~~eligibility may be established for ~~federal AFDC-U~~ the unemployed parent program; for example, a parent returns to the home, a parent is no longer incapacitated, ~~or the principal earner acquires a connection with the labor force.~~
 - (B) ~~Eligibility may be established for federal AFDC-U because the family is no longer eligible for a state AFDC program (e.g., Shaw v. McMahon, Simon v. McMahon, or State-only AFDC-U).~~

The county shall identify the need for and assist the recipient in making the status change. (See Section 41-440.411.)

- (e) ~~Employment in WIN Components: Parents in On-the-Job Training (WIN/OJT) and parent in Public Services Employment (WIN/PSE) are considered employed for purposes of deprivation. In other words, WIN/OJT and WIN/PSE are not considered training programs but are considered employment, and deprivation due to unemployment does not exist if the parent exceeds the limit specified in Section 41-440.1(a): Applicants for aid who are participating in an on-the-job training (OJT) program or any similar work training activity, in which the parent is paid a wage, shall be considered employed for purposes of determining deprivation.~~
- (f) ~~Cause Determination - A determination that a principal earner either did or did not have a good reason for failure or refusal to meet a program requirement.~~
- (g) ~~EDD-JS - Employment Development Department, Job Services section. That section of EDD which registers the remote principal earner and the State-only principal earner for employment services.~~
- (h) ~~Exempt Principal Earner - The principal earner who is not required to be registered in accordance with Section 42-625 or with EDD-JS for employment services pursuant to Section 41-440.23.~~
- (i) ~~GAIN AFDC-U Principal Earner - The principal earner residing in a GAIN county who is automatically registered for GAIN as a condition of eligibility.~~
- (j) ~~IMU - Income Maintenance Unit. That unit within the county welfare department which makes eligibility and grant determinations.~~
- (k) ~~Nonexempt Principal Earner - The principal earner who is automatically registered in accordance with Section 42-625 or is required to register with EDD-JS pursuant to Section 41-440.25.~~
- (l) ~~Non-WIN/Non-GAIN Principal Earner - the federally eligible principal earner who is exempt from WIN Demo or GAIN registration due to remoteness.~~
- (m) ~~WIN Principal Earner - The federally eligible principal earner residing in a WIN county who is required to register for WIN Demo as a condition of eligibility.~~
- (n) ~~Quarter of Application or Transfer to Federal AFDC-U - The calendar quarter in which the family's aid status changes to or the family applies for AFDC on the basis of unemployment of the principal earner.~~

(See Sections 42-600.3 and 42-710.3 for additional definitions applicable to the employment programs.)

- .2 Requirements to be Met in Order to Establish Deprivation Due to Unemployment (Federal AFDC-U)

HANDBOOK BEGINS HERE

Note: ~~Section 41-440.26 provision does not apply to refusals, quits or terminations of state seasonal employment made available under the "AB 1531 Demonstration Project". See Section 42-910.~~

HANDBOOK ENDS HERE

To establish deprivation due to unemployment, the following requirements shall be met;

- .21 (Continued)
- .22 The principal earner shall have ~~been unemployed~~ worked less than 100 hours (Section 41-440.1(a)) ~~for at least 30 consecutive calendar days~~ during the four-week period prior to the receipt of cash assistance based on ~~AFDC-U date of eligibility for cash aid based on unemployment deprivation~~. ~~The 30 days begins the first day of the month~~ four-week period shall be adjusted daily to determine the four-week period in which the applicant principal earner worked less than 100 hours. (See Handbook Section below.)

HANDBOOK BEGINS HERE

.221 EXAMPLE:

An applicant principal earner was laid off on April 13th and worked a total of 89 40 hours in April and 40 hours per week in March. This applicant's 30-day waiting period for federal AFDC-U would begin on April 1. The family applied for aid on April 14th. The original four-week period would be from March 17th through April 13th. Since the PE worked 120 hours during this four-week period, a new four-week period would need to be identified.

March 18th through April 14th = 112 hours

March 19th through April 15th = 104 hours

March 20th through April 16th = 96 hours

The qualifying four-week period in which the PE worked less than 100 hours would be from March 20th through April 16th. The beginning date of aid for this family would be April 17th, if otherwise eligible.

An applicant principal earner was laid off on April 20th and worked a total of 143 hours in April. This applicant's 30-day waiting period for federal AFDC-U would begin on May 1.

HANDBOOK ENDS HERE

- ~~.23~~ The principal earner, whether included or excluded from the assistance unit, shall be work registered in accordance with Section 42-625. Those federally eligible principal earners who are exempt from registration only because of remoteness (Section 42-794) shall be registered with EDD-JS unless exempt in accordance with Section 42-788. This requirement is considered to be met on the date of application as long as it is completed by the date of authorization of aid. Those federally eligible principal earners who are exempt under any other exemption criterion in Section 42-788 do not have a work registration requirement.
- ~~.231~~ The principal earner who is exempt under Section 42-636, but not otherwise exempt is required to maintain current registration through regular contacts as required by EDD-JS. In no event will the principal earner be required to report more frequently than is required by EDD-JS standards for all other EDD-JS registrants in that local community.
- ~~.232~~ The requirement that those principal earners identified in Section 41-440.231 maintain current registration is absolute. A good cause determination is not made. Eligibility is reestablished when such individual is reregistered with EDD-JS.
- ~~.233~~ When the principal earner does not meet or maintain the work registration requirements, federal AFDC-U deprivation exists for the family, however, the county shall deny or discontinue aid for the principal earner.
- ~~.243~~ The ~~AFDC-U~~ principal earner, who is apparently eligible for UIB (see Section 44-103.115(a) ~~82-610~~), shall apply for and accept any unemployment insurance benefits (UIB) to which he/she is entitled, when referred to EDD by the county welfare department. When the principal earner does not meet this requirement, Federal ~~AFDC-U~~ unemployment deprivation does not exist for the family. This requirement is considered to be met on the date of application as long as it is completed by the date of authorization of aid. See Section 44-103 for the requirements for pursuing UIB as potential income for principal earners who are not exempt from GAIN registration.
- ~~.254~~ The principal earner shall not be considered to be unemployed as a result of his/her participation in a strike, as defined in Section 41-703.22.

HANDBOOK BEGINS HERE

(See Section 41-603 for possible State-only AFDC-U Program eligibility and Section 41-703 for the Striker Assistance Program.)

HANDBOOK ENDS HERE

- ~~.26 The applicant principal earner shall not refuse Employment or Employment-Related Training.~~
- ~~.261 In the 30-day period immediately prior to the beginning date of AFDC-U, the principal earner shall not have, without good cause, refused a bona fide offer of employment or employment-related training. Refusal of employment includes a job quit.~~
- ~~.262 When the applicant principal earner does not meet the good cause requirements of 41-440.265, the family shall be ineligible for federal AFDC-U for 30 days from the date he/she refused an offer of a job or training, or quit a job. The CWD shall:~~
- ~~(a) Deny aid for the applicant family or hold the application pending eligibility (see Section 40-171).~~
 - ~~(b) Inform the principal earner parent that he/she may reapply after expiration of the 30 days.~~
- ~~.263 Good cause determinations:~~
- ~~(a) Shall be made by the local GAIN staff (see Section 42-781 for good cause criteria) for those job referrals made by GAIN for GAIN registered principal earners. The good cause determinations of the GAIN staff may be appealed through the state hearing process of the Department of Social Services. (See Division 22-000 for state hearing process.)~~
 - ~~(b) Shall be made by the CWD, for good cause determinations when the referral was not made by either GAIN or EDD-JS.~~

HANDBOOK BEGINS HERE

- ~~(c) Are to be made by the local EDD-JS staff, for those job referrals made by EDD for EDD-JS registered principal earners applicants. (See (a) above for appeal rights.)~~

HANDBOOK ENDS HERE

- ~~.264 When making a good cause determination the CWD shall:~~
- ~~(a) Determine whether a bona fide offer of employment or training was made to the individual.~~

- (b) ~~Determine whether the individual refused to accept the bona fide offer of employment or training or failed to begin the employment or training as planned.~~
- (c) ~~Give the individual an opportunity to explain why the offer was not accepted.~~

~~.265 Good cause exists for refusing a bona fide offer of employment or employment-related training (see Section 41-440.261) when one or more of the following exist:~~

- (a) ~~The wage offered for the employment or training was less than the applicable state or federal minimum wage, or was lower than the customary wage in the community for that particular employment or training as set by EDD, whichever is higher.~~
- (b) ~~The type of employment or training exceeded the individual's mental or physical capacity.~~
- (c) ~~The individual was ill.~~
- (d) ~~The individual was without means of getting to or from the place of employment or training.~~
- (e) ~~The offer of employment was from an employer who does not:~~
 - (1) ~~Possess an appropriate license to engage in his business, or~~
 - (2) ~~Withhold or hold in trust the employee contribution required by Part 2, Division 1 of the Unemployment Insurance Code, Section 2601, et seq., for unemployment compensation disability benefits and does not transmit all such employee contributions to the Employment Development Department for the Disability Fund as required by Section 986 of the UI Code; or~~
- (f) ~~The employment or training violated applicable health and safety laws and regulations.~~

~~.3 Repealed by Manual Letter No. 85-44, effective 7/1/85.~~

~~.4 Connection with the Labor Force - Federal AFDC-U~~

~~.41 The principal earner, shall have a connection with the labor force.~~

~~.411 By meeting one or a combination of the requirements in (a), or (b), below in 6 calendar quarters within any 13-calendar-quarter period which ends~~

~~within one year before the quarter of application or transfer to federal AFDC-U occurs (see Section 41-440.1(d)).~~

~~(a) Earned a gross of at least \$50 during the quarter;~~

~~OR~~

~~(b) Participated during the quarter in any activity administered under any of the following:~~

~~(1) The Work Incentive Program (WIN);~~

~~(2) The Work Incentive Demonstration Program (WIN Demo);~~

~~(3) The Community Work Experience Program (CWEP) including the San Diego Employment Work Experience Program (EWEP);~~

~~(4) The GAIN Program;~~

~~HANDBOOK BEGINS HERE~~

~~EXAMPLE:~~

~~A family applies for AFDC-U in September 1984. The principal earner parent reports work/training history on the CA-2 as follows:~~

~~a) \$200 for July-September 1980 quarter~~

~~b) \$35 for January-March 1981 quarter~~

~~c) \$40 for October-December 1981 quarter~~

~~d) \$80 for April-June 1982 quarter~~

~~e) college-level metal shop training for July-September 1982 quarter~~

~~f) \$350 for January-March 1983 quarter~~

~~g) \$60 for July-September 1983 quarter~~

~~h) \$100 for October-December 1983 quarter~~

~~i) \$425 for January-March 1984 quarter~~

~~j) \$625 for July-September 1984 quarter.~~

FEDERALLY INELIGIBLE - CHART I

YEAR	80	80	81	81	81	81	82	82	82	82	83	83	83	83	84	84
QUARTER	JUL SEPT	OCT DEC	JAN MAR	APR JUN												
WORK (\$50)	\$200		\$35			\$40		\$80			\$350		\$60	\$100	\$425	
TRAINING (see Sec. 41-440.411(b))																

In this example the family applies in September, 1984 (the July - September 1984 quarter). This quarter of application does not count until after October 1, 1984.

- * College training
- ** This period represents the 1st 13 calendar quarters within 1 year prior to the quarter application (September 1984).
- *** This period represents the last possible 13 calendar quarters within 1 year prior to the quarter of application (September 1984).

(CHART I)

The July-September 1982 quarter does not count because this training was not an approved training activity as described in Section 41-440.411(b). The October-December 1981 and January-March 1981 quarters do not count because the earnings are less than \$50.

As shown on Chart I, the principal earner does not have six quarters of earnings/training in any 13-quarter period which ends within one year before the quarter of application (July-September).

HANDBOOK ENDS HERE

OR
HANDBOOK BEGINS HERE

FEDERALLY ELIGIBLE - CHART II

YEAR	80	80	81	81	81	81	82	82	82	82	83	83	83	83	84	84
QUARTER	JUL	OCT	JAN	APR	JUL	OCT	JAN	APR	JUL	OCT	JAN	APR	JUL	OCT	JAN	APR
	SEPT	DEC	MAR	JUN	SEPT	DEC	MAR	JUN	SEPT	DEC	MAR	JUN	SEPT	DEC	MAR	JUN
WORK (\$50)		\$40		\$80			\$350		\$60	\$100	\$425		\$625			
TRAINING (see Sec. 41.440.411(b))																

In this example the family applies for or transfers to federal AFDC-U in October, 1984 (the October-December 1984 quarter). The family becomes federally eligible October 1, 1984.

* College training

(CHART II)

The October-December 1981 quarter does not count because the earnings are less than \$50.

As of October 1, 1984, as shown on Chart II, he/she has the required six quarters in one 13 quarter period which ends within one year before the quarter of application or transfer to federal AFDC-U.

HANDBOOK ENDS HERE

.412 By receiving, or being eligible to receive, unemployment insurance benefits within one year before application or transfer to federal AFDC-U. Being eligible to receive, as used in this section, includes the following:

- (a) The principal earner would have been eligible to receive unemployment compensation upon filing an application for unemployment compensation.
- (1) The following criteria may be used to determine if the principal earner "would have been eligible to receive unemployment compensation."

HANDBOOK BEGINS HERE

- (A) The person shall not have left the prior employment for any of the following reasons:
 - (1) By voluntarily quitting.
 - (2) By voluntarily leaving without good cause as a result of misconduct.
 - (3) By leaving employment as a result of a trade dispute.

- (B) The person shall have adequate earnings to qualify for UHB in the base period. The base period is as follows:
 - (1) For benefit years beginning in November, December, or January, the four calendar quarters ending in the nearest preceding month of June.
 - (2) For benefit years beginning in February, March, or April, the four calendar quarters ending in the nearest preceding month of September.
 - (3) For benefit years beginning in May, June or July, the four calendar quarters ending in the nearest preceding month of December.
 - (4) For benefit years beginning in August, September, or October, the four calendar quarters ended with the nearest preceding month of March.

- (C) Adequate earnings are (as of 1985)
 - (1) Has earned wages of not less than twenty dollars (\$20) in each of eight or more calendar weeks, and been paid wages of not less than nine hundred dollars (\$900); or
 - (2) Has been paid wages of not less than one thousand two hundred dollars (\$1,200).

HANDBOOK ENDS HERE

OR

- ~~.413 The principal earner performed work not covered by Unemployment Compensation Law and such work, if it had been covered, would (together with any covered work he/she performed) have made him/her eligible to receive unemployment compensation upon filing application for unemployment compensation.~~
- ~~.42 The quarter in which application or a transfer to federal AFDC-U is made shall not be counted as one of 13 calendar quarters.~~
- ~~.43 The applicant's sworn statement, signed under penalty of perjury, shall be sufficient verification unless there is contrary evidence for the earnings information or training program participation required in Section 41-440.411. (See Section 40-157.)~~
- ~~.44 If the applicant meets all the requirements of Section 41-440 except .22 and/or .41, the family shall be aided under the State-only AFDC-U Program in accordance with the provisions and limitations of Chapter 41-600.~~

HANDBOOK BEGINS HERE

~~.5 Acceptable Evidence for Documenting the Unemployment of a Principal Earner~~

- ~~.51 The following are examples of evidence which may be used to support a determination of the unemployment of a principal earner:~~
- ~~.511 Statements from employers that indicate:~~
- ~~(a) The number of hours worked per month and per week, or if the applicant is still employed, the number of hours working per month or per week.~~
 - ~~(b) The date and reason for leaving if the applicant is no longer employed.~~
 - ~~(c) Additional hours of work were not offered or available.~~
- ~~.512 A statement from the Employment Development Department (EDD) which indicates the following:~~
- ~~(a) The date of referral of the applicant to a training program listed in Section 41-440.1(d) or the date of registration with EDD-JS.~~
 - ~~(b) The amount of UHB received by the applicant for one year prior to the date of application, and the amount, if any, he/she is receiving on the date of application.~~

HANDBOOK ENDS HERE

.6 Readjustment Period

~~There is no readjustment period. Aid ceases when deprivation due to unemployment ends, provided no other basis of deprivation exists.~~

.7 Discontinuance Due to Employment

~~.71 Aid shall be discontinued, effective at the end of the month in which a principal earner accepts an offer of employment that is expected to provide him/her with more hours of work than specified in Section 41-440.1 during the following month. If the county is unable to discontinue aid at the end of such month because the 10-day advance notice requirement cannot be met, aid shall be discontinued effective the end of the following month (see Section 44-325.5). An overpayment exists in such month if the principal earner exceeds the 100 hour limit specified in Section 41-440.1 and the family continues to receive aid.~~

~~.711 At the time of discontinuance the recipient shall be informed that:~~

- ~~a. The action is based on the expectation that the principal earner will work more than 100 hours in the next month, and~~
- ~~b. The discontinuance will be rescinded if the expectation in "a" above is incorrect or the parent submits information substantiating that less than 100 hours were actually worked, that no offer of employment was refused without good cause, and that other conditions of eligibility for AFDC were met.~~

HANDBOOK BEGINS HERE

~~.712 EXAMPLE:~~

~~A principal earner reports on his April Monthly Eligibility Report that he expected to work more than 100 hours in June. The April report was submitted to the county on May 21 and the county is unable to discontinue the case effective May 31st. The county sends the family a Notice of Action discontinuing the case effective June 30, stopping the aid payment for the 15th of June and informing the family that they are being overpaid for the month of June in the amount of the June 1st check.~~

~~On June 10th the family informs the county that the principal earner is no longer employed as he has been laid off. He worked 60 hours in June. The family submits verification of the hours worked and a layoff notice. The county then rescinds the notice of action and reinstates the family's assistance.~~

HANDBOOK ENDS HERE

Authority cited: Sections 10553, 10554, 10604, 11209, and 11450(g), Welfare and Institutions Code.

Reference: Sections 10553, 10554, 10604, 11201 (Ch. 270, Stats. 1997), 11201.5, and 11270, Welfare and Institutions Code; and 45 CFR 233.10(a)(1), 233.100(a)(5), and 250.30(b); and Family Support Act of 1988, Public Law (PL) 100-485, October 13, 1988; Family Support Administration Action Transmittal 91-15 (FSA-AT-91-15), dated April 23, 1991; Omnibus Budget Reconciliation Act (OBRA) of 1990, Section 5061.

Repeal Section 41-441 to read:

~~41-441 PROCEDURES FOR REFERRAL TO AND COMMUNICATIONS WITH EDD-JS FOR APPLICANTS/RECIPIENTS 41-441~~

~~HANDBOOK BEGINS HERE~~

~~.1 Referrals to EDD-JS~~

- ~~.11 Principal earners who are exempt from GAIN registration because of remoteness (Section 42-794) are required to be registered with EDD-JS.~~
- ~~.12 The county should complete the referral form in triplicate, retain one copy, and instruct the principal earner to take the form to the nearest EDD-JS office.~~
- ~~.13 The principal earner will be registered by EDD-JS and given an identification card (DE 1275 or DE 1275V). The form will be completed by the EDD-JS worker and the principal earner will be instructed to mail or take one copy of the referral form back to the welfare department.~~
- ~~.14 If the principal earner has completed a prior registration with EDD-JS, he/she must still be referred to EDD-JS. The referral is accomplished by completion of the referral form which the principal earner will take to the EDD-JS office. His/her DE 1275 or DE 1275V will be updated by EDD-JS, the referral form completed, and the principal earner instructed to mail or bring the referral form back to the welfare department.~~
- ~~.15 The completed referral form is to be retained in the case record as documentation of the registration.~~
- ~~.16 A principal earner sanctioned by WIN or GAIN is not required to register with EDD-JS. A referral under this section is not required. See Section 42-691 for the procedures that apply.~~

~~HANDBOOK ENDS HERE~~

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

~~Reference: Family Support Act of 1988, Public Law (PL) 100-485, October 13, 1988, and Senate Bill (SB) 724, Chapter 97, Statutes of 1991.~~

Repeal Section 41-442 to read:

Repealed by DSS Manual Letter No. EAS-88-05

Adopt Division 81 and Chapter 81-200 to read:

Divison 81 DIVERSION SERVICES

Chapter 81-200, Diversion Services

Adopt Section 81-215 to read:

81-215 DIVERSION SERVICES

81-215

.1 Definitions

.11 Diversion Period Means the time period represented by the value of the diversion service divided by the Maximum Aid Payment (MAP) amount for the apparently eligible assistance unit.

.12 Diversion Services Means cash or noncash payments or services provided to a CalWORKs applicant, with the intent of diverting the applicant from long-term aid.

.13 Fair Market Value Means the price in cash, or its equivalent, that someone would pay for the diversion service in the open market.

.2 Informing At the time of application, all applicants shall be informed of the availability of Diversion Services.

.3 Determination of Eligibility

.31 Apparent Eligibility To qualify for diversion services, the family must be apparently eligible for CalWORKs in accordance with Sections 40-129.11 and .211.

.32 Considerations The county has sole discretion for determining when it would be appropriate to offer lump-sum diversion services. In determining whether the applicant is likely to be able to avoid the need for extended assistance, the county may consider any of the following:

.321 The applicant's employment history;

.322 The likelihood of the applicant obtaining immediate full-time employment;

.323 The applicant's general prospect for obtaining full-time employment;

.324 The applicant's need for cash assistance to pay for housing or substantial and unexpected expenses or work-related expenses;

.325 Housing stability; and

CalWORKs, then the individual may choose to allow the county to either:

.511 Option One

Recoup from the CalWORKs grant the value of the diversion service within a time period determined by the county, and count no months toward the 60-month time limit.

OR

.512 Option Two

Count the entire diversion period towards the 60-month time limit and do not repay the value of the diversion services.

.52 Reapplies After Period If the individual reapplies for CalWORKs after the diversion period has ended and is determined eligible for aid, then only one month of the diversion period shall count toward the 60-month time limit.

HANDBOOK BEGINS HERE

Example:

A single mother with two children received diversion services of \$2,375 for significant car repairs. After two months, the mother returns to apply for CalWORKs. With a MAP at the time of the initial application of \$565, her diversion period is considered four months ($\$2,375 \div \$565 = 4.2$ months) since any fraction of a month is not counted.

Additionally, since she returned within this four-month diversion period, she has the option to either repay the \$2,375 by grant reduction, within a time period determined by the county, and have no months count against her 60-month time limit, or count the entire four months against her 60-month time limit with no repayment of the diversion services. If this individual had returned after the four-month diversion period ended, then only one month would be counted against the 60-month time limit, and no repayment would be required.

HANDBOOK ENDS HERE

6 Child Support Income

To the extent that the county's diversion program considers the applicant's income in negotiating the amount of diversion services, any child support collected by the applicant or recovered by the county shall not be used to offset the diversion payment.

HANDBOOK BEGINS HERE

.7 Potential Eligibility for
Other Programs

During the period of diversion, the applicant family shall be eligible for Medi-Cal and child care assistance, if otherwise eligible in accordance with the program rules and regulations governing such programs.

HANDBOOK ENDS HERE

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

Reference: Sections 11266(a)(2), 11266.5, and 11454.5(c), Welfare and Institutions Code (Ch. 270, Stats. 1997).

Repeal Section 89-105 to read:

89-105 ~~ELIMINATION OF TIME LIMITATIONS FOR 30 AND 1/3~~ 89-105
~~EARNED INCOME DISREGARD AND ELIMINATION OF THE~~
~~100-HOUR LIMIT~~

- ~~.1~~ 30 and 1/3 The county shall not apply the time limitations specified in Sections ~~44-111.232(b) and .24~~.
- ~~.2~~ 100-Hour Limit The county shall not apply the 100-hour limitation specified in Section ~~41-440~~ to recipients after the date that aid has been authorized.

HANDBOOK BEGINS HERE

~~.21~~

Example 1:

A family applies for AFDC-U on January 5, 1993; the CWD authorizes aid on February 2, 1993. On February 3, 1993, the principal earner (PE) reports that he accepted work on that day and he expects to work over 100 hours per month. Since the PE did not accept work until the day after aid was authorized (i.e., after becoming a recipient), the 100-hour limit is not applicable.

Eligibility for the AU will continue until ineligibility occurs due to excess income, excess property, etc.

Example 2:

A family applies for AFDC-U on January 5, 1993; the CWD authorizes aid on February 1, 1993. On February 3, 1993, the PE reports that he accepted work on January 31, 1993 and he expects to work over 100 hours indefinitely. Since the PE accepted work before aid was authorized (i.e., prior to becoming a recipient), the 100-hour rule limitation is applicable. The CWD will issue a timely notice of action and terminate aid effective February 28, 1993. As ineligibility occurred prior to the authorizing action, the family is overpaid for January 1993 and February 1993.

HANDBOOK ENDS HERE

Authority cited: Sections ~~10553, 10554, 11201.5, 11209, and 11450(g)~~, Welfare and Institutions Code.

Reference: ~~Sections 11201.5, 11255, and 11450.015, Welfare and Institutions Code; and Federal Terms and Conditions for the California Assistance Payments Demonstration Project as approved by the United States Department of Health and Human Services on October 30, 1992.~~

ATTACHMENT B

NOA MESSAGES

Action	Type	Revision	NOA #
Partial Approval	Deprivation	Obsolete: EDD-JS registration/referral no longer necessary.	M41-440H
Deny	Deprivation	Restructured first and second paragraphs.	M41-440F
Deny	Diversions	Added the applicable regulation cite and issued a new NOA number. (Previously M44-000a)	M81-215A
Deny	Diversions	Added the applicable regulation cite and issued a new NOA number. (Previously M44-000b)	M81-215B
Change	Deprivation	Obsolete: EDD-JS registration/referral no longer necessary.	M41-440K
Change	Diversions	Added the applicable regulation cite and issued a new NOA number. (Previously M44-000d)	M81-215D
Other	Diversions	Added the applicable regulation cite and issued a new NOA number. (Previously M44-000e)	M81-215E
Other	Diversions	Added the applicable regulation cite and issued a new NOA number. (Previously M44-000f)	M81-215F

Auto ID No.:
Source :
Issued by :
Reg Cite : 41-401, 41-440.1(a), (c)

Use Form No. : NA 290
Original Date : 04-01-87
Revision Date : 06-01-98

MESSAGE:

The County has denied your application for cash aid dated _____.

Here's why:

The principal earner in your family is not unemployed.

A principal earner is the parent who has earned the most money in the 24 months before your application for the CalWORKS Unemployed Parent program and who worked less than 100 hours in the four week period before applying for CalWORKs cash aid.

The principal earner in your family is _____.

INSTRUCTIONS: Use to deny CalWORKS-U when the principal earner is working more than 100 hours a month. Specify the name of the principal earner in the space provided.

This message replaces M41-440F dated 01-01-98.

file: pkian/MSERIES/41440f

State of California
Department of Social Services

Noa Msg Doc No.: M81-215A Page 1 of 1
Action : Deny
Issue: Aid Payments
Title: Diversion Payment Provided

Auto ID No.:
Source :
Issued by :
Reg Cite : 81-215, W & IC 11266.5, 11454.5

Use Form No. : NA 217
Original Date : 01-01-98, New
Revision Date : 06-01-98

MESSAGE:

The County has denied your application for cash aid dated _____.

Here's why:

You chose a diversion payment instead of cash aid. You are eligible for a diversion payment of \$_____ for

This payment is equal to __ month(s) of cash aid for an assistance unit of __ person(s).

INSTRUCTIONS: Use to deny cash aid and approve a diversion payment. Fill in the application date, the diversion amount and what the payment was for. Also indicate the number of months and the AU size. Use new NA 217 with the calculation for the payment divided by the MAP (AU only) to get the diversion period.

This message replaces M44-000a dated 01-01-98.

file: pkian/MSERIES/81215a

Auto ID No.:
Source :
Issued by :
Reg Cite : 81-215, W & IC 11266.5

Use Form No. : NA 217
Original Date : 01-01-98, New
Revision Date : 06-01-98

MESSAGE:

The County has denied your application for cash aid dated _____.

Here's why:

You chose diversion service(s) instead of cash aid. You are eligible and got diversion service(s)s of

_____.

The value for this service(s) is \$_____ and is equal to __ month(s) of aid for an assistance unit of __ person(s).

INSTRUCTIONS: Use to deny cash aid and approve diversion service(s). Fill in the application date and list the kind of services provided. Also indicate the value of the service(s), the number of months and the AU size. Use new NA 217 with the calculation for the value of service(s) divided by the MAP (AU only) to get the diversion period.

This message replaces M44-000b dated 01-01-98.

file: pkian/MSERIES/81215b

Auto ID No.:
Source :
Issued by :
Reg Cite : 81-215.5, W & IC 11266.5

Use Form No. : NA 200
Original Date : 01-01-98, New
Revision Date : 06-01-98

MESSAGE:

As of _____, the County is changing your
cash aid from \$_____ to \$_____.

Here's why:

[] The diversion payment you got has
been paid in full.

[] The diversion service(s) amount has
been paid in full.

Your new cash aid amount is figured on this
page.

INSTRUCTIONS: Use to stop the adjustment to the cash aid payment when the
recipient has paid the diversion payment/value of service(s) in full.

This message replaces M44-000d dated 01-01-98.

file: pkian/MSERIES/81215d

Auto ID No.:
Source :
Issued by :
Reg Cite : 81-215.5, 42-302, W & IC 11266.5

Use Form No. : NA 270
Original Date : 01-01-98, New
Revision Date : 06-01-98

MESSAGE:

As of _____, the County is subtracting __
months from your 60-month time limit.

Here's why:

[] You got a diversion payment of
\$_____ on _____ and it is equal to
__ months of cash aid.

[] You got diversion service(s) of
_____ on _____. The value of
your diversion service(s) is \$_____
and it is equal to __ months of cash
aid.

You have agreed to count the diversion
payment/services against your eligibility
time limit.

Your diversion period is figured on this
page.

Diversion Payment/Service(s)....
\$_____
Maximum Aid Payment ____Person(s)
(Assistance Unit only).....
-_____
Diversion Period.....
=_____

INSTRUCTIONS: Use to adjust the number of months for diversion against the 60-
month time limit. Use as a second page on a blank NA 270 for applicants when
appropriate. Print the calculation for either the payment or value of services
divided by the MAP (AU only) to get the diversion period on the right hand side.

This message replaces M44-000e dated 01-01-98.

file: pkian/MSERIES/81215e

Auto ID No.:
Source :
Issued by :
Reg Cite : 81-215.52, W & IC 11266.5

Use Form No. : NA 270
Original Date : 01-01-98, New
Revision Date : 06-01-98

MESSAGE:

As of _____, the County is subtracting
one month from your 60-month time limit.

Here's why:

[] You got a diversion payment of
\$_____ on _____ and it is equal to
__ months of cash aid.

[] You got diversion service(s) of

_____ on _____. The value of your
diversion service(s) is \$_____ and
is equal to __ months of cash aid.

Since you came in and applied for cash aid
after the diversion period, only one month
is counted against your 60-month time
limit.

Your diversion period is figured on this
page.

Diversion Payment/Service(s)....
\$_____
Maximum Aid Payment ___ Person(s)
(Assistance Unit only).....
-_____
Diversion Period.....
=_____

INSTRUCTIONS: Use to subtract one month for diversion against the 60-month time
limit because the client came in after the diversion period to apply for cash
aid. Use on blank NA 270 as a second page for applicants when appropriate.
Print the calculation for either the payment or value of services divided by the
MAP (AU only) to get the diversion period on the right hand side.

This message replaces M44-000f dated 01-01-98.

file: pkian/MSERIES/81215f