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Regulation Package No. 0914-08

CDSS MANUAL LETTER NO. EAS 15-01

TO: HOLDERS OF THE ELIGIBILITY AND ASSISTANCE STANDARDS MANUAL

**Regulation Package #0914-08**

**Effective 1/22/15**

**Sections 42-302, 42-701, 42-708, 42-709, 42-711, 42-712, 42-714, 42-716, 42-720, 42-721, 42-722, 42-802, 42-1009, 42-1010, 44-111**

This manual letter has been posted on the Office of Regulations Development website at <http://www.cdss.ca.gov/ord/PG3715.htm>.

These regulations implement Senate Bill 1041 (Chapter 47, Statutes of 2012) on an emergency basis, which made substantial changes to Welfare-to-Work requirements in the California Work Opportunity and Responsibility to Kids (CalWORKs) program.

A public hearing is scheduled for April 8, 2015, to receive public comments regarding these emergency regulations. Information regarding the public hearing is posted on the Office of Regulations Development website at <http://www.cdss.ca.gov/ord/PG615.htm>.

**FILING INSTRUCTIONS**

**Revisions to all manuals are indicated by a vertical line in the left margin.** The attached pages are to be entered in your copy of the Manual of Policies and Procedures. The latest prior manual letter containing Eligibility and Assistance Standards Manual changes was EAS-14-03.

<u>Page(s)</u>	<u>Replace(s) Page(s)</u>
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Attachment

KJ



<b>42-302</b>	<b>48-MONTH TIME LIMIT REQUIREMENTS FOR ADULTS</b>	<b>42-302</b>
	(Continued)	

- |     |                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|-----|--------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| .21 | Exempt Months      | Any month in which any of the following conditions exist for any period during the month shall not count toward the 48-month limit as specified:                                                                                                                                                                                                                                                                                                                                   |
|     | (a) Disability     | The individual is exempt from welfare-to-work participation requirements due to a verified disability that is expected to last at least 30 days.                                                                                                                                                                                                                                                                                                                                   |
|     | (b) Providing Care | The individual is exempt from welfare-to-work participation requirements due to:                                                                                                                                                                                                                                                                                                                                                                                                   |
|     | (1)                | The need to care for an ill or incapacitated person residing in the home, and the caretaking responsibilities impair the individual's ability to be regularly employed or to participate in welfare-to-work activities.                                                                                                                                                                                                                                                            |
|     | (2)                | Being the nonparent caretaker of either a dependent child of the court, a Kin-GAP child, or, as determined by the county, a child who is at risk of placement in foster care. For this exemption to apply, the county must also determine that the caretaking responsibilities are beyond those considered normal day-to-day parenting responsibilities so that they impair the individual's ability to be regularly employed or to participate in the welfare-to-work activities. |
|     | (3)                | Being the parent or other relative who has primary responsibility for personally providing care to one child who is from 12 to 23 months of age, inclusive, or two or more children who are under six years of age. This paragraph is effective July 28, 2009 and shall become inoperative on January 1, 2013.                                                                                                                                                                     |
|     | (A)                | An individual whose exemption ended on January 1, 2013, pursuant to Section 42-302.21(b)(3) shall not have months count toward his or her CalWORKs 48-month time limit until the CWD reengages him or her in the Welfare-to-Work Program pursuant to Section 42-712.8.                                                                                                                                                                                                             |



<b>42-302</b>	<b>48-MONTH TIME LIMIT REQUIREMENTS FOR ADULTS</b>	<b>42-302</b>
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(Continued)

- (A) The cumulative child support recoupment will be applied to each month of aid beginning with the earliest unreimbursed month of aid, on or after January 1998, and moving forward as each month of aid is fully reimbursed.
- (B) Recoupment, as provided by the local child support agency, is all child support that has been assigned and collected to repay aid. Beginning October 1998, this includes the disregard payments pursuant to MPP Section 12-425(c)(1)(B).
- (C) Each month of aid that is fully reimbursed by child support shall be exempt and not counted toward the CalWORKs 48-month time limit of parents, aided stepparents, and/or aided caretaker relatives residing in the home of the child(ren.)
- (D) The child support recoupment shall be applied to all months of aid whether or not the month had been previously exempted for any reason, including any month(s) exempt because the individual was unaided for any reason, including a sanction.
- (E) The child support recoupment will be reviewed to determine if the cumulative amount is sufficient to reimburse and exempt a monthly grant amount. Any child support that remains but is insufficient to fully reimburse a monthly grant, whether collected in the current month or for a previous period of time, shall be carried forward and used for any subsequent unreimbursed month(s) of aid.
- (F) The recipient shall be informed of the exempt months due to child support recoupment pursuant to MPP Sections 40-107(a)(4)(A) through (a)(4)(I).
- (G) Information regarding the balance of child support recoupment and the number of months exempt due to the child support recoupment must be reported to any subsequent county(ies) to continue reimbursement of the subsequent months of aid.

<b>42-302</b>	<b>48-MONTH TIME LIMIT REQUIREMENTS FOR ADULTS</b>	<b>42-302</b>
	(Continued)	

- |  |                                           |                                                                                                                                                                                                                                                                                                                                                                              |
|--|-------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|  | (i) Living in Indian Country              | The individual lived in Indian country, as defined by federal law, or an Alaskan native village, in which at least 50 percent of the adults living in the Indian country or in the village are not employed.                                                                                                                                                                 |
|  | (1)                                       | Counties shall obtain the required information on unemployment rates through the governing body of each tribal land.                                                                                                                                                                                                                                                         |
|  | (j) Receiving Supportive Services         | The individual is a former recipient of cash aid and is only receiving child care, case management or supportive services.                                                                                                                                                                                                                                                   |
|  | (k) Grant Amounts Less Than \$10          | The recipient does not receive a cash aid payment for the month because the grant amount is less than \$10.                                                                                                                                                                                                                                                                  |
|  | (l) Lack of Necessary Supportive Services | The individual is excused from participation for good cause due to lack of necessary supportive services, as specified in Section 42-713.21. This paragraph is effective July 28, 2009 and shall become inoperative on January 1, 2013.                                                                                                                                      |
|  | .22 Diversion Count                       | Diversion payments as set forth in Section 81-215 count toward the 48-month time limit unless they are recouped as provided in Section 42-302.223(a) or unless part or all of the diversion period is exempt as provided in Section 42-302.21 et seq. Count the months as follows:                                                                                           |
|  | .221 Diversion Payment Month              | The month in which a lump sum diversion payment is made counts as one month toward the 48-month time limit unless the diversion recipient applies for CalWORKs cash aid during the diversion period, as specified in Section 81-215.41, and is determined to be eligible for CalWORKs. In that case, the diversion payment is treated in accordance with Section 42-302.223. |

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**42-302**      **48-MONTH TIME LIMIT REQUIREMENTS FOR ADULTS** **42-302**  
(Continued)

- .34 Determination Notice      The notice of action approving or denying a request for an exemption or exception shall state whether the request was granted or denied and if denied, the reason for the denial.
- (a)      Repealed by Manual Letter No. EAS-03-04, effective 4/9/03.
- (b)      Repealed by Manual Letter No. EAS-03-04, effective 4/9/03.
- (c)      Repealed by Manual Letter No. EAS-03-04, effective 4/9/03.

| NOTE: Authority cited: Sections 10553, 10554, 11369, and 11454, Welfare and Institutions Code. Reference: Sections 10553, 10554, 11253.3(a), 11266.5, 11320, 11320.3, 11454, 11454(e) and (e)(5), 11454.2, 11454.5, and 11495.1, Welfare and Institutions Code; Section 37 of AB 444 (Chapter 1022, Statutes of 2002); and 42 U.S.C. 608(a)(7)(a), (B) and (D).

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**NONLINKING FACTORS OF PUBLIC ASSISTANCE ELIGIBILITY  
WELFARE-TO-WORK**

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**NONLINKING FACTORS OF PUBLIC ASSISTANCE ELIGIBILITY  
WELFARE-TO-WORK**

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**CHAPTER 42-700 WELFARE-TO-WORK**

**42-701 INTRODUCTION TO WELFARE-TO-WORK** **42-701**

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.1 Background

The California Work Opportunity and Responsibility to Kids (CalWORKs) Act became operative in 1998. The Welfare-to-Work Program is the employment and training aspect of CalWORKs that replaces the previous Greater Avenues for Independence (GAIN) program. Welfare-to-Work is a comprehensive statewide employment program designed to enable participants to achieve self-sufficiency through employment.

The intent of the Welfare-to-Work Program is to provide employment and training services to virtually all adult recipients. Some of the major changes brought about by Welfare-to-Work include:

- (a) Broader service scope. By reducing the number of adults eligible for exemption, a much larger segment of the adult assistance population is required to participate in work activities.
- (b) Minimum hourly participation requirements. All participants will be required to be engaged in employment and training activities for enough hours each week to allow for substantial progress toward employment goals.
- (c) Flexibility in the types of activities recipients can participate in for 24 months. During a Welfare-to-Work 24-Month Time Clock period, adult recipients can participate in any of the CalWORKs activities they need, consistent with their assessments, to obtain employment and become self-sufficient. After this 24-month period is exhausted, adult recipients are limited to activities that meet CalWORKs federal standards in order for the adult to continue receiving cash aid.
- (d) Expanded supportive services. In addition to child care, transportation, and ancillary services provided under GAIN, welfare-to-work supportive services will include, but not be limited to, mental health, substance abuse, and domestic abuse services.

**HANDBOOK ENDS HERE**

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.2 Definitions for Terms Used in This Chapter

- (a) (1) "Adult Basic Education" means a welfare-to-work activity which includes instruction in reading, writing, arithmetic, high school proficiency, or general educational development certificate instruction, and English-as-a-second-language.
- (b) Reserved

<b>42-701</b>	<b>INTRODUCTION TO WELFARE-TO-WORK</b> (Continued)	<b>42-701</b>
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- (c) (1) "CalWORKs Federal Standards" means the participation requirements, specified in Section 42-709, a recipient may meet in order to not have a month count toward his or her Welfare-to-Work 24-Month Time Clock, specified in Section 42-708. It also means the participation requirements an adult recipient must meet when he or she has exhausted his or her Welfare-to-Work 24-Month Time Clock in order for the adult to remain eligible for cash aid.
- (2) "CalWORKs Minimum Standards" means the minimum participation requirements an individual must meet, as described in Section 42-711.41, when he or she has months remaining on his or her Welfare-to-Work 24-Month Time Clock.
- (3) "CDSS" means the California Department of Social Services.
- (4) "Certificate" means a document issued by a two or four year accredited college, ROP/C Program, or adult education provider indicating that the individual has achieved a specified level of educational/vocational proficiency.
- (5) "Community Service" means a welfare-to-work training activity that is temporary and transitional, is performed in the public or private nonprofit sector under the close supervision of the activity provider, and provides participants with basic job skills that can lead to employment while meeting a community need.
- (6) "County Welfare Department (CWD)" means the agency that administers the CalWORKs program at the county level.
- (7) "Custodial Parent" means the parent(s) who lives with the child.
- (d) (1) "Degree" means a document issued by a two or four year accredited college or university indicating that individual has successfully completed a prescribed course of study.
- (2) "Doctor" means a health care professional who is licensed by a state to diagnose/treat physical and mental impairments that can affect an individual's ability to work or participate in welfare-to-work activities. "Doctor" includes, but is not limited to, doctors of medicine, osteopathy, chiropractic, and licensed/certified psychologists.
- (3) "Domestic Abuse" means assaultive or coercive behavior which includes physical abuse, sexual abuse, psychological abuse, economic control, stalking, isolation, threats, or other types of coercive behaviors occurring within a domestic relationship.
- (4) "Domestic Relationships" are relationships between or among:
  - (A) Adults or minors who are a current or former spouse;



(Continued)

- (f) (1) "Fixed-Unit Price" means a set fee or price for a single component or group of services that achieve a specific goal.
  
- (g) (1) "GAIN" means Greater Avenues for Independence.
  
- (2) "Grant-Based On-The-Job Training (OJT)" is a funding mechanism for subsidized public or private sector employment or OJT in which the recipient's cash grant, or a portion thereof, or the aid grant savings resulting from employment, or both, is diverted to the employer as a wage subsidy to partially or wholly offset the payment of wages to the participant, so long as the total amount diverted does not exceed the family's maximum aid payment. Grant savings from employment is the net nonexempt income from employment, as determined pursuant to Section 44-111.2. Grant-based OJT may include community service positions.
  
- (h) Reserved
  
- (i) (1) "Intermediary Service Provider" means a public or private agency with a CWD contract that subcontracts with employers to provide training or employment to participants.
  
- (j) (1) "Job Creation Plan" means a county plan for local job creation. The Trade and Commerce Agency provides funding for job creation activities that will provide employment for recipients.
  
- (2) "Job Skills Training Directly Related to Employment" means training or education for job skills required by an employer to provide an individual with the ability to obtain employment or to advance or adapt to the changing demands of the workplace.
  
- (3) "Job Readiness Assistance" means a welfare-to-work activity that provides the recipient with training to learn basic job seeking and interviewing skills, to understand employer expectations, and to learn skills designed to enhance an individual's capacity to move toward self-sufficiency.
  
- (4) "Job Search" means a welfare-to-work activity in which the participant's principal activity is to seek employment.

<b>42-701</b>	<b>INTRODUCTION TO WELFARE-TO-WORK</b> (Continued)	<b>42-701</b>
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(k) Reserved

(l) (1) "License" means a document issued by a governmental agency which grants authority to practice a trade, profession or the like.

(2) "Learning Disabilities" means a heterogeneous group of disorders manifested by significant difficulties in the acquisition and use of listening, speaking, reading, writing, reasoning, or mathematical abilities.

These disorders are intrinsic to the individual and presumed to be due to central nervous system dysfunction. Even though a learning disability may occur together with other handicapping conditions (e.g., sensory or mental impairment); or environmental retardation, social and/or emotional disturbance influences (e.g., cultural differences, insufficient/inappropriate instruction, psychogenic factors); it is not the direct result of those conditions or influences.

For the purposes of the CalWORKs Welfare-to-Work program, these disorders interfere with the participant's ability to obtain or retain employment or to participate in welfare-to-work activities.

(m) Reserved

(n) Reserved

(o) (1) "One-parent Assistance Unit", for purposes of Welfare-to-Work Program participation requirements, means an assistance unit that includes only one aided adult who is a natural or adoptive parent, a stepparent, as defined in Section 80-301(s)(11), or another caretaker relative.

(2) "On-the-job Training" means training in the private or public sector that is given to a paid participant while the participant is engaged in productive work. The employer is subsidized to offset training costs. This activity may also include paid classroom instruction as required by the participant's employer.

(3) "Optional Stepparent" means a stepparent, as defined in Section 80-301(s)(11), who is not the caretaker relative of an eligible child, but has opted into the assistance unit in accordance with Section 82-828.2.

<b>42-701</b>	<b>INTRODUCTION TO WELFARE-TO-WORK</b> (Continued)	<b>42-701</b>
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- (p) (1) "Performance-based Contract" means training or education under a contract in which payment is made to the contractor only after the achievement of a specified goal.
- (2) "Protocol" means procedures, methods, a prescribed plan of action, or a set of rules that will govern actions.
- (q) Reserved
- (r) (1) "Refugee Cash Assistance (RCA) Welfare-to-Work Participant" means a refugee applicant or recipient who meets the requirements of MPP Section 69-206.12 and who is participating in the Welfare-to-Work Program as directed by the county plan.
- (s) (1) "Self-employment" means employment by means of earning a living by working as a sole proprietor or other business entity and not as an employee of another. Self-employment must include compensation as defined under "employment" in Section 42-701.2(e)(2).
- (2) "Subsidized Employment" means employment in which the welfare-to-work participant's employer is partially or wholly reimbursed for wages and/or training costs.
- (3) "Supplemental Refugee Services (SRS) Welfare-to-Work Component" means a supplemental services component, within the CalWORKs Welfare-to-Work Program, for CalWORKs refugees who would otherwise be temporarily excepted from the full range of Welfare-to-Work services due to Welfare-to-Work funding limitations.
- (4) "Supported Work or Transitional Employment" means a welfare-to-work activity that is a form of grant-based OJT in which the participant's cash grant, or a portion thereof, or the aid grant savings from employment, is diverted to an intermediary service provider to partially or wholly offset the payment of wages to the participant.
- (t) (1) "Two-parent Assistance Unit", for the purposes of Welfare-to-Work Program participation requirements, means an assistance unit with two aided natural or adoptive adult parents.
- (u) (1) "Universal Engagement" means non-exempt individuals are required to participate in welfare-to-work activities by signing a welfare-to-work plan within the time frames specified in Section 42-711.62.
- (2) "Unsubsidized Employment" means employment in the public or private sector for which the welfare-to-work participant's employer is not reimbursed for wages and/or training costs by the CWD or via any other entity.

<b>42-701</b>	<b>INTRODUCTION TO WELFARE-TO-WORK</b> (Continued)	<b>42-701</b>
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- (v) (1) "Vocational Education and Training" or "Vocational Educational Training" means organized educational programs that are directly related to the preparation of individuals for employment in current or emerging occupations, and includes, but is not limited to, college and community college education, adult education, regional occupational centers, and other occupational programs.
- (2) "Volunteer" means a CalWORKs applicant or recipient who, though not required to participate in the Welfare-to-Work Program, chooses to participate.
- (w) (1) "WtW Grant program" means the Welfare-to-Work (WtW) Grant program as described in 42 U.S.C. 603(a)(5), authorizing the U.S. Department of Labor to provide WtW grants to states and local communities.
- (2) "Welfare-to-Work Plan" means a plan developed by the CWD and the participant that specifies the program activities in which a participant shall engage and the services that will be provided to the participant.
- (3) "Welfare-to-Work 24-Month Time Clock" is defined in Section 42-708.11.
- (4) "Work Experience" means a welfare-to-work training activity in the public or private sector under the close supervision of the activity provider, that helps provide basic job skills, enhance existing job skills in a position related to the participant's experience, or provide a needed community service that shall lead to unsubsidized employment.
- (5) "Work Study" means a type of subsidized employment as described in 42-701.2(s)(2) in which the subsidized employment placements are made through a college where a welfare-to-work participant is enrolled and making satisfactory progress.
- (x) Reserved
- (y) Reserved
- (z) Reserved

NOTE: Authority cited: Sections 10531, 10553, and 10554, Welfare and Institutions Code. Reference: Section 8172, Education Code; Sections 10063, 10800, 11320, 11320.3(a)(1) and (b)(3)(A), 11322.6, 11322.8, 11322.85, 11322.9, 11324.6, 11324.8, 11325.21, 11325.25, 11331.5, 11495, 11495.1, 11495.12, and 13280, Welfare and Institutions Code; and Sections 15365.50 and 15365.55, Government Code; and 42 U.S.C. 603(A)(5).

<b>42-702</b>	<b>CALWORKS WELFARE-TO-WORK ENROLLMENT REQUIREMENTS</b>	<b>42-702</b>
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- .1 An individual who was receiving aid in the month prior to the implementation date of CalWORKs Welfare-to-Work Program in the county shall be enrolled in the Welfare-to-Work Program no later than January 1, 1999.
  
- .11 The CWD may require an existing GAIN participant to enter into a new welfare-to-work plan prior to completion of the activities in the GAIN contract in which the individual is satisfactorily participating. New requirements (including, but not limited to, hours and/or activities) and services may be added to those in the contract, but no assignment(s) may be withdrawn prior to completion without the participant's written consent.
  
- .2 An individual whose beginning date of aid is in the month that the CalWORKs Welfare-to-Work Program is implemented in the county, or thereafter, shall be enrolled by the CWD at the time when the application for aid is granted. An individual who volunteers to participate before the application is granted shall be enrolled at the time he or she volunteers.
  
- .3 Enrollment is defined as sending an individual a notice that he or she is scheduled for a welfare-to-work appraisal or that he or she is required to convert their GAIN contract to a welfare-to-work plan, as appropriate.

NOTE: Authority cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code. Reference: Sections 10532(c) and 11322.8, Welfare and Institutions Code.

<b>42-708</b>	<b>WELFARE-TO-WORK 24-MONTH TIME CLOCK</b>	<b>42-708</b>
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- .1 General Provisions and Applicability
  - .11 "Welfare-to-Work 24-Month Time Clock" refers to a cumulative 24-month period in an individual's lifetime, during which he or she may participate in any approvable activity pursuant to Section 42-716.1, so long as participation is consistent with his or her assessment under Section 42-711.55 and addresses at least one of the following:
    - .111 A particular need for barrier removal activities or other welfare-to-work activities that are not CalWORKs federal standards core activities as described in Section 42-709.31, including, but not limited to, vocational education beyond the 12-month limitation described in Section 42-709.315.
    - .112 The circumstances and career goals of the participant.
  - .12 Individuals subject to Welfare-to-Work 24-Month Time Clock
    - .121 All adults who are a member of an assistance unit and subject to welfare-to-work participation requirements are subject to the Welfare-to-Work 24-Month Time Clock.

**42-708 WELFARE-TO-WORK 24-MONTH TIME CLOCK 42-708**  
(Continued)

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- (a) This includes individuals whose needs have been removed from the family's cash aid due to a school attendance penalty under Section 40-105.5 or an Intentional Program Violation (IPV) under Sections 20-350 through 20-353.
- (b) This includes individuals who are in an assistance unit which is receiving a grant of less than \$10 per month.

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- .122 If a participant transfers from one assistance unit into another assistance unit, his or her Welfare-to-Work 24-Month Time Clock transfers with him or her. The individual is not entitled to a new Welfare-to-Work 24-Month Time Clock or a restarting of his or her Welfare-to-Work 24-Month Time Clock due to the assistance unit transfer.
- .13 Individuals who are not subject to the Welfare-to-Work 24-Month Time Clock
  - .131 Cal-Learn Exclusion
    - (a) Individuals who are required to participate in, participating in, or exempt from the Cal-Learn Program as described in Sections 42-762 through 42-769 are not subject to the Welfare-to-Work 24-Month Time Clock.
  - .132 Non-Parenting Dependent Teens
    - (a) Individuals who qualify for aid, are 16- or 17-years old, are non-parenting dependent teens, and are required to attend high school are not subject to the Welfare-to-Work 24-Month Time Clock.
  - .133 Non-Cal-Learn 19-Year Old Custodial Parents
    - (a) Individuals who qualify for aid, are 19-years old, and have not obtained a high school diploma or its equivalency are not subject to the Welfare-to-Work 24-Month Time Clock.
  - .134 Non-Minor Dependent Exclusion
    - (a) Individuals who are non-minor dependents and are not required to participate in welfare-to-work in accordance with Section 42-712.13.

<b>42-708</b>	<b>WELFARE-TO-WORK 24-MONTH TIME CLOCK</b> (Continued)	<b>42-708</b>
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.14 Individuals with a Break in Aid

.141 Individuals with a break in aid longer than 30 days, upon return to aid shall have a new welfare-to-work plan developed under Section 42-711.6.

- (a) If a participant was not previously assessed in accordance with Section 42.711.55, the participant must complete an assessment under Section 42-711.55.
- (b) If the participant was previously assessed in accordance with Section 42.711.55, the CWD shall evaluate whether a new assessment is needed based on the participant's specific circumstances.
- (c) Once the participant signs a new welfare-to-work plan in accordance with Section 42-711.6, his or her Welfare-to-Work 24-Month Time Clock starts the first of the following month after his or her plan sign date, unless the individual meets a condition described in Section 42-708.3 that allows for a month not to count toward his or her Welfare-to-Work 24-Month Time Clock.

.142 Individuals with a break in aid of less than 30 days, who had an active welfare-to-work plan developed under Section 42-711.6 when he or she left aid, shall continue in his or her welfare-to-work plan if the welfare-to-work plan is appropriate based on the individual's specific circumstances and is consistent with his or her assessment under Section 42-711.55.

- (a) The Welfare-to-Work 24-Month Time Clock will begin or resume the first of the month following the date the participant's aid resumed, unless the participant meets a condition described in Section 42-708.3 that permits a month not count toward his or her Welfare-to-Work 24-Month Time Clock.
- (b) If the participant's welfare-to-work plan is no longer appropriate upon re-entry into the Welfare-to-Work program, months shall not count towards his or her Welfare-to-Work 24-Month Time Clock pursuant to Section 42-708.325 until he or she has signed a new welfare-to-work plan in accordance with Section 42-711.6.
- (c) The CWD shall evaluate whether a new assessment is needed based on the participant's specific circumstances.

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**NONLINKING FACTORS OF PUBLIC ASSISTANCE ELIGIBILITY****Regulations****WELFARE-TO-WORK****42-708 (Cont.)**

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**42-708 WELFARE-TO-WORK 24-MONTH TIME CLOCK 42-708**  
(Continued)**.15 Impact of the CalWORKs 48-month Time Limit on the Welfare-to-Work 24-Month Time Clock**

.151 Participants who have reached their CalWORKs 48-month time limit in accordance with Section 42-302.1, but have time remaining on their Welfare-to-Work 24-Month Time Clock are not entitled to continue participating in the welfare-to-work program unless they qualify for a 48-month time limit exception under Section 42-302.11.

.152 For a participant granted a 48-month time limit exception under Section 42-302.11 who has yet to exhaust the Welfare-to-Work 24-Month Time Clock, and who is required to participate in welfare-to-work, he or she may continue to participate in activities that meet CalWORKs minimum standards until his or her Welfare-to-Work 24-Month Time Clock is exhausted, at which time he or she must meet CalWORKs federal standards.

**.2 Counting Months Toward the Welfare-to-Work 24-Month Time Clock**

.21 The Welfare-to-Work 24-Month Time Clock is effective January 1, 2013. No months prior to January 1, 2013 shall count toward a welfare-to-work participant's Welfare-to-Work 24-Month Time Clock.

.22 Months shall begin counting toward a welfare-to-work participant's Welfare-to-Work 24-Month Time Clock the first of the following month after he or she signs a welfare-to-work plan in accordance with Section 42-711.6, which includes mutually agreed upon welfare-to-work activities under Section 42-716 and supportive services pursuant to Section 42-750.

.23 Months count toward an individual's Welfare-to-Work 24-Month Time Clock in a cumulative fashion.

.24 Any month in which a participant who is subject to the Welfare-to-Work 24-Month Time Clock meets a condition under Section 42-708.3 shall not count toward the participant's Welfare-to-Work 24-Month Time Clock.

.25 When verification indicates an individual whose welfare-to-work plan is designed to meet CalWORKs federal standards has not met those standards in accordance with Section 42-709.52, the CWD shall begin counting months toward that participant's Welfare-to-Work 24-Month Time Clock the first of the month following the date the CWD received the verification.

.251 The CWD shall inform the participant of the change in status to his or her Welfare-to-Work 24-Month Time Clock in accordance with Section 42-708.63.

**42-708 WELFARE-TO-WORK 24-MONTH TIME CLOCK 42-708**  
(Continued)

- .252 Individuals who have not been assessed in accordance with Section 42-711.5 whose welfare-to-work plan consists solely of unsubsidized employment, and who fail to meet CalWORKs federal standards in accordance with Section 42-709.52 shall be referred to assessment and months will not begin counting toward that participant's Welfare-to-Work 24-Month Time Clock until the first of the following month after he or she signs a new welfare-to-work plan.
- .3 Conditions that Shall Make a Month Not Count Toward the Welfare-to-Work 24-Month Time Clock
  - .31 The individual meets CalWORKs federal standards as specified in Section 42-709.
    - .311 Any month during which a CWD receives verification that indicates an individual has participated in hours and approved activities that meet CalWORKs federal standards in accordance with Section 42-709.52, shall be retroactively restored to that individual's Welfare-to-Work 24-Month Time Clock.
  - .32 The individual meets any one of the following conditions:
    - .321 Welfare-to-Work Exemption
      - (a) The individual qualifies for a welfare-to-work exemption from participation under Section 42-712.
    - .322 Good Cause
      - (a) The individual is in a welfare-to-work plan that is designed to meet CalWORKs minimum standards and was excused by his or her CWD from participation in welfare-to-work activities for good cause in accordance with Section 42-713, for at least 50 percent of his or her hourly participation requirement for the month(s).
    - .323 Domestic Abuse
      - (a) The individual has been identified as a past or present victim of domestic abuse and the CWD has granted a waiver for a month(s) to not count toward the Welfare-to-Work 24-Month Time Clock in accordance with Section 42.713.22.
    - .324 Welfare-to-Work Sanction
      - (a) The individual is removed from the assistance unit due to a sanction pursuant to Section 42-721.4.

**42-708 WELFARE-TO-WORK 24-MONTH TIME CLOCK 42-708**  
(Continued)

.325 Appraisal, Job Search, Assessment, or Developing a Welfare-To-Work Plan

- (a) The individual is participating in the appraisal process under Section 42-711.52, the assessment process pursuant to Section 42-711.55, job search pursuant to Section 42-711.53, or the individual does not have an active welfare-to-work plan and is in the process of developing a plan pursuant to Section 42-711.63.
- (b) The individual is participating in job search or job readiness that meets CalWORKs federal standards as specified in Section 42-709.
- (c) The individual is participating in a welfare-to-work plan developed in accordance with Section 42-711.6 where job search accounts for at least 50 percent of the individual's participation hours in a given month.
  - (1) Paragraph (c) is limited to two months in a 12-month period, and the individual must first exhaust the job search and job readiness allowance specified in paragraph (b).

.326 Excused Parent

- (a) The individual is an excused parent in an assistance unit in accordance with Sections 42-712.12 and 42-712.14.
  - (1) If the mandatory parent fails to meet the assistance unit's participation requirement, the excused parent will become subject to welfare-to-work participation requirements and his or her Welfare-to-Work 24-Month Time Clock shall begin once requirements of Section 42-708.22 are met.
  - (2) If the excused parent volunteers to participate, months do not count toward his or her Welfare-to-Work 24-Month Time Clock unless the situation provided in paragraph (1) occurs.
  - (3) In accordance with Section 42-712.12, if the mandatory parent is fully meeting the assistance unit's hourly participation requirement and the excused parent is volunteering to participate in welfare-to-work, if the parents' combined number of hours and activities is such that the assistance unit meets CalWORKs federal standards in a given month, that month will not count toward the mandatory parent's Welfare-to-Work 24-Month Time Clock.

**42-708 WELFARE-TO-WORK 24-MONTH TIME CLOCK** **42-708**  
(Continued)

- .4 Special Rules for Two-Parent Assistance Units
- .41 Each adult in a two-parent assistance unit has his or her own individual Welfare-to-Work 24-Month Time Clock pursuant to Section 42-708.121.
- .411 Months will count toward the Welfare-to-Work 24-Month Time Clock for each adult in a two-parent assistance unit when the assistance unit meets CalWORKs minimum standards, unless one or both of the participants meet a condition under Section 42-708.3 that would make a month not count toward the Welfare-to-Work 24-Month Time Clock.

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**HANDBOOK BEGINS HERE**

- .42 The Welfare-to-Work 24-Month Time Clock Applied to Two-Parent Assistance Unit Configurations
- .421 Two Mandatory Parents Participating and Sharing Hours
- (a) If both parents in a two-parent assistance unit are required to participate in welfare-to-work and are meeting CalWORKs federal standards, months will not count toward either parent's Welfare-to-Work 24-Month Time Clock.
- (b) If both parents participate but do not meet CalWORKs federal standards, both parents will have months count toward his or her respective Welfare-to-Work 24-Month Time Clock unless one or both meets a condition under Section 42-708.3 that makes a month not count toward the Welfare-to-Work 24-Month Time Clock.
- .422 First Parent is Participating and Second Parent is Excused
- (a) If one parent agrees to fully meet the CalWORKs minimum standards for two-parent assistance units, the second parent is excused from welfare-to-work participation in accordance with Section 42-712.12 and months will not count toward the second parent's Welfare-to-Work 24-Month Time Clock.

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**HANDBOOK CONTINUES**

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**42-708 WELFARE-TO-WORK 24-MONTH TIME CLOCK** **42-708**  
(Continued)

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**HANDBOOK CONTINUES**

- .423 First Parent Participating and Second Parent is Exempt (other than an exemption based on a disability pursuant to Section 42-712.44)
- (a) When one parent has a welfare-to-work exemption that is not based on a disability, the other parent must fulfill the assistance unit's CalWORKs minimum standards, unless the exempt parent volunteers to participate and contribute toward the assistance unit's 35-hour per week participation requirement.
  - (b) Months will not count toward the exempt parent's Welfare-to-Work 24-Month Time Clock.
  - (c) Months will count toward the mandatory parent's Welfare-to-Work 24-Month Time Clock unless the assistance unit is meeting CalWORKs federal standards or the mandatory parent is found to meet a condition under Section 42-708.32 that makes a month not count towards the Welfare-to-Work 24-Month Time Clock.
- .424 Two Parents Participating and One Parent is a Volunteer
- (a) Exempt and excused second parents may choose to volunteer in welfare-to-work.
  - (b) Months do not count toward the exempt or excused second parent's Welfare-to-Work 24-Month Time Clock, regardless of whether they choose to volunteer in welfare-to-work.
  - (c) An exempt or excused parent's voluntary participation may contribute towards meeting CalWORKs federal standards.
  - (d) Any month that the assistance unit's total participation is such that it meets CalWORKs federal standards will not count toward the mandatory parent's Welfare-to-Work 24-Month Time Clock.

**HANDBOOK ENDS HERE**

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.5 Special Rules for Other Assistance Unit Configurations

- .51 One-Parent Assistance Units with a Second Parent in the Home who has Reached the CalWORKs 48-month Time Limit

<b>42-708</b>	<b>WELFARE-TO-WORK 24-MONTH TIME CLOCK</b> (Continued)	<b>42-708</b>
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- .511 Months will count toward the aided parent’s Welfare-to-Work 24-Month Time Clock, unless he or she is found to meet a condition that makes a month not count toward the Welfare-to-Work 24-Month Time Clock in accordance with Section 42-708.3.
- .512 When determining if the aided parent meets CalWORKs federal standards only, the CWD shall consider any hours for which the CWD has received verified documentation of participation by the second parent.
- .52 One-Parent Assistance Units with a Second Parent in the Home who is Sanctioned
  - .521 Months will count toward the non-sanctioned parent’s Welfare-to-Work 24-Month Time Clock, unless that parent’s level of participation meets CalWORKs federal standards or he or she is found to meet another condition that makes a month not count toward the Welfare-to-Work 24-Month Time Clock in accordance with Section 42-708.32.
  - .522 If a sanctioned parent complies with the requirements of Section 42-721.43, any hours he or she successfully completes in relation to Section 42-721.43 shall be considered for determining if the family is meeting CalWORKs federal standards only.
- .53 Assistance Units with Optional Stepparents
  - .531 Assistance Units with an optional stepparent as defined in Section 42-701.2(o)(3)
    - (a) Months will count toward an optional stepparent’s Welfare-to-Work 24-Month Time Clock when he or she is participating to meet the assistance unit’s CalWORKs minimum standards, unless he or she meets a condition that makes a month not count toward his or her Welfare-to-Work 24-Month Time Clock in accordance to Section 42-708.3.
- .54 Assistance Units with Three or More Adults
  - .541 In two-parent assistance units that also include an additional adult or adults, months will count toward the Welfare-to-Work 24-Month Time Clock of the one or two adults contributing hours to meet CalWORKs minimum standards.
  - .542 Additional adults who are not contributing hours will be excused from participation in accordance with Section 42–708.326.
  - .543 An exempt or excused parent’s voluntary participation may, in combination with the participation of one other adult, contribute toward meeting CalWORKs federal standards.

**42-708** **WELFARE-TO-WORK 24-MONTH TIME CLOCK** **42-708**  
(Continued)

- .544 Any month that the assistance unit's total participation is such that it meets CalWORKs federal standards will not count toward any adult's Welfare-to-Work 24-Month Time Clock.
- .6 Noticing Requirements for the Welfare-to-Work 24-Month Time Clock
  - .61 CWDs are required to provide participants with a written notice informing them of the status of their Welfare-to-Work 24-Month Time Clocks at the following intervals:
    - .611 At the time an individual applies for cash aid.
    - .612 At the participant's annual redetermination for cash aid.
    - .613 At least once between months 18 and 21 on a participant's Welfare-to-Work 24-Month Time Clock.
    - .614 At the time the participant has exhausted his or her Welfare-to-Work 24-Month Time Clock.
  - .62 The notice specified in Section 42-708.61 shall include all of the following:
    - .621 The number of months remaining on the participant's Welfare-to-Work 24-Month Time Clock.
    - .622 The participation requirements for individuals who have exhausted their Welfare-to-Work 24-Month Clock and that failure to meet those participation requirements may result in the noncompliant adult being removed from the assistance unit.
    - .623 How a participant may dispute the number of months counted toward his or her Welfare-to-Work 24-Month Time Clock.
    - .624 Information on how the participant may modify his or her welfare-to-work plan to meet CalWORKs federal standards under Section 42-709.
    - .625 Information on and how to apply for an exemption from welfare-to-work participation and an extension to the Welfare-to-Work 24-Month Time Clock.
- .63 Noticing related to changes in participation.

**42-708 WELFARE-TO-WORK 24-MONTH TIME CLOCK 42-708**  
(Continued)

- .631 Except for individuals described in Section 42-708.252, when verification indicates an individual who has not exhausted his or her Welfare-to-Work 24-Month Time Clock and whose welfare-to-work plan is designed to meet CalWORKs federal standards in accordance with Section 42-711.63 has not met those standards, the CWD shall inform the individual of the following as soon as administratively feasible:
  - (a) That months will count toward the individual's Welfare-to-Work 24-Month Time Clock beginning the month following the date that the CWD verified that the individual was not meeting CalWORKs federal standards.
  
- .7 Welfare-to-Work 24-Month Time Clock Extensions
  - .71 CWD Extension Estimates
    - .711 The Department shall provide each CWD with an estimate of the number of Welfare-to-Work 24-Month Time Clock extensions available to the CWD in accordance with this section.
    - .712 The estimated number of extensions for each CWD shall be equal to 20 percent of the assistance units in that CWD in which all adult members of the assistance unit have exhausted their Welfare-to-Work 24-Month Time Clock and at least one adult remains eligible for aid under the CalWORKs 48-month time limit.
    - .713 The Department shall estimate the number of assistance units that will meet the criteria provided in Section 42.708.712 in each CWD for each six-month period commencing January 1, 2015, and shall transmit the estimated number of extensions available to each CWD in a manner determined by the Department.
    - .714 If the number of estimated extensions available for the current six-month period is lower than the prior six-month period and the CWD has already exceeded the new estimate, the CWD shall not rescind extensions already granted to accommodate the lower figure.
    - .715 Each CWD shall report information regarding the number and percentage of extensions granted.
    - .716 If a CWD grants more extensions than the number that was estimated by the Department in accordance with Section 42-708.713, the Department may request the CWD to provide additional information including the actual number of assistance units to exhaust the Welfare-to-Work 24-Month Time Clock during that six-month period and factors that contributed to the actual number of extensions granted.

**42-708 WELFARE-TO-WORK 24-MONTH TIME CLOCK**  
(Continued)**42-708**

- (a) Upon receipt of the information requested in accordance with Section 42-708.716, the Department may request the CWD to submit a plan to bring the CWD into compliance with the number of extensions available.

**.72 Requesting Extensions**

.721 An individual who has exhausted his or her Welfare-to-Work 24-Month Time Clock who still has time remaining on the CalWORKs 48-month time limit and is unlikely to meet CalWORKs federal standards may request an extension to the Welfare-to-Work 24-Month Time Clock.

- (a) The individual may present evidence to the CWD that he or she meets any of the following circumstances:
- (1) The individual is likely to obtain employment within six months.
  - (2) The individual has encountered unique labor market barriers temporarily preventing employment, and therefore needs additional time to obtain employment.

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**HANDBOOK BEGINS HERE**

- (A) Example 1: An individual qualified in forklift operation that is applying for a position at a manufacturing warehouse that will be opening soon or at a new construction project may be considered as likely to obtain employment within six months.
- (B) Example 2: Unique labor market barriers temporarily preventing employment may include situations where a primary employer in the local area has closed or moved, such as a factory that has recently shut down operation or relocated out of the area. This would create a significant labor force disruption, particularly in the situation where the industry field of the primary employer required a specialized skill set that may not be easily transferable to a different industry field.
- (C) Example 3: Unique labor market barriers temporarily preventing employment may also include local or regional natural disasters, such as a drought or freeze, which impact local labor markets in a way that temporarily causes a disruption to the labor force.

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<b>42-708</b>	<b>WELFARE-TO-WORK 24-MONTH TIME CLOCK</b>	<b>42-708</b>
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(Continued)

- (3) The individual has achieved satisfactory progress in an education or treatment program, including adult basic education, vocational education, or a SIP under Section 42-711.54, that has a known graduation, transfer, or completion date that would meaningfully increase the likelihood of his or her employment.
- (4) The individual needs an additional period of time to complete a welfare-to-work activity specified in his or her welfare-to-work plan under Section 42-711.6, due to a diagnosed learning or other disability, which would meaningfully increase the likelihood of his or her employment.
- (5) The individual has submitted an application to receive Supplemental Security Income disability benefits, and a hearing date has been established.
- (6) The individual is a member of a two-parent assistance unit and the other parent has yet to exhaust his or her Welfare-to-Work 24-Month Time Clock.
  - (A) Such an individual may request an extension to the Welfare-to-Work 24-Month Time Clock on the condition that both parents' combined participation will meet CalWORKs minimum standards in accordance with Section 42-711.41.
  - (B) An extension granted under this paragraph is subject to Section 42-708.73 and is limited to the duration of the second parent's Welfare-to-Work 24-Month Time Clock.

**.73 Extension Determinations and Duration**

- .731** Prior to determining whether an individual meets Welfare-to-Work 24-Month Time Clock extension criteria under Section 42-708.721(a), the CWD must review the individual's case to ensure an accurate accounting of the Welfare-to-Work 24-Month Time Clock in accordance with Section 42-708.
- .732** Except for an extension to the Welfare-to-Work 24-Month Time Clock requested in accordance with Section 42-708.721(a)(5), a CWD shall grant an extension to the Welfare-to-Work 24-Month Time Clock to an individual who presents evidence that he or she meets any of the extension criteria under Section 42-708.721(a), unless the CWD determines that the evidence presented does not support the existence of the circumstances described in Section 42-708.721(a).

**42-708 WELFARE-TO-WORK 24-MONTH TIME CLOCK 42-708**  
(Continued)

- (a) An extension to the Welfare-to-Work 24-Month Time Clock in accordance with Section 42-708.721(a)(5) shall be granted if the individual provides the CWD with evidence that a hearing date has been established.
  - .733 Except for an extension to the Welfare-to-Work 24-Month Time Clock requested in accordance with Section 42-708.721(a)(5), at any state hearing in which an individual disputes a CWD's denial of a Welfare-to-Work 24-Month Time Clock extension in accordance with Sections 42-708.721(a)(1) through (4), and (6), the CWD shall have the burden of proof to establish that an extension was not justified.
  - .734 If a CWD identifies that an individual meets a circumstance described in Section 42-708.721 as a result of information already available to the CWD, including the client's welfare-to-work plan and verification of participation, the CWD may grant a Welfare-to-Work 24-Month Time Clock extension to the individual without requiring additional information or a formal request for an extension from the individual.
  - .735 A Welfare-to-Work 24-Month Time Clock extension granted in accordance with Sections 42-708.732 through .734 shall be granted for an initial period of up to six months and shall be reevaluated by the CWD at least every six months.
- .8 Transitioning Individuals to Meet CalWORKs Federal Standards at the End of the Welfare-to-Work 24-Month Time Clock
- .81 The CWD shall conduct a review with an individual who is approaching the end of his or her Welfare-to-Work 24-Month Time Clock to determine the individual's welfare-to-work participation status prior to the expiration of the individual's Welfare-to-Work 24-Month Time Clock.
  - .811 This review of an individual's welfare-to-work participation status must include the following:
    - (a) Determination of the number of months counted toward an individual's Welfare-to-Work 24-Month Time Clock in accordance with Sections 42.708.2 and 42.708.3.
    - (b) Review of any welfare-to-work exemption the individual may qualify for in accordance with Section 42-712.
    - (c) Review of any Welfare-to-Work 24-Month Time Clock extension the individual may qualify for in accordance with Section 42.708.72.

**42-708 WELFARE-TO-WORK 24-MONTH TIME CLOCK 42-708**  
(Continued)

- (d) Review of the individual's welfare-to-work plan to determine if additional hours or activities will be needed in order for the individual to meet CalWORKs federal standards upon the exhaustion of his or her Welfare-to-Work 24-Month Time Clock.

NOTE: Authority Cited: Sections 10553, 10554, 10604, Welfare and Institutions Code; SB 1041 (Chapter 47, Statutes of 2012), Sections 17, 18, and 19. Reference: Sections 10553, 10554, 10604, 11253.3, 11320, 11320.3, 11322.8, 11322.85, 11322.86, 11322.87, 11454, 11454.2, and 11454.5, Welfare and Institutions Code; 45 CFR 260, and 42 U.S.C. 607(c) and (d).

**42-709 CALWORKS FEDERAL STANDARDS 42-709**

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**HANDBOOK BEGINS HERE**

.1 General Provisions

- .11 The CalWORKs federal standards are based on the Temporary Assistance for Needy Families (TANF) participation requirements and to the extent permitted by this section, shall be construed in a manner consistent with TANF participation requirements.
- .12 Any months in which the adult recipient meets CalWORKs federal standards does not count toward the Welfare-to-Work 24-Month Time Clock pursuant to Section 42-708.31.
- .13 After the adult recipient has exhausted his or her Welfare-to-Work 24-Month Time Clock, unless exempt from participation under Section 42-712, the adult recipient must meet CalWORKs federal standards as a condition of cash aid eligibility of the adult.
- .14 Hourly participation requirements are determined in accordance with Section 42-709.2 by the number of parents or caretaker relatives included in the assistance unit, any optional stepparent, as defined in Section 42-701.2(o)(3), who is a member of the assistance unit, whether any other adults reside in the household, and the ages of the children living in the home.

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**HANDBOOK ENDS HERE**

.2 Hourly Participation Requirements to Meet CalWORKs Federal Standards

- .21 An adult in one-parent assistance unit, as defined in Section 42-701.2(o)(1), that does not include an optional stepparent, as defined in Section 42-701.2(o)(3).

**42-709 CALWORKS FEDERAL STANDARDS** **42-709**  
(Continued)

- .211 Except as specified in Sections 42-709.212 and 213, an adult recipient who is not exempt from participation and who is in a one-parent assistance unit shall participate in welfare-to-work activities for an average of at least 30 hours per week during the month.
- (a) An average of at least 20 hours per week of participation must be in core welfare-to-work activities, as specified in Section 42-709.31.
- .212 Unless otherwise exempt from participation, an adult recipient in a one-parent assistance unit where no other parent or caretaker relative resides in the household may participate in welfare-to-work activities for an average of at least 20 core hours per week during the month, as specified in Section 42-709.31 if one of the following conditions are met:
- (a) There is a child under six in the assistance unit.
- (b) There is a child under six in the home who is not in the assistance unit, but the adult recipient exercises responsibility for the day-to-day care and control of that child.
- .213 Unless otherwise exempt from participation, an adult recipient in a one-parent assistance unit with a second parent in the home who has exhausted his or her 48-month time limit on cash aid or has been removed from the assistance unit pursuant to Section 42.721.4 shall participate in welfare-to-work activities for an average of at least 35 hours per week during the month, of which an average minimum of 30 must be in core activities as specified in Section 42-709.31.
- (a) A parent who has exhausted his or her 48-month time limit on cash aid may contribute toward the 35-hour requirement.
- (b) For a parent who has been removed from the assistance unit pursuant to Section 42-721.4, if the noncompliant parent complies with the requirements of Section 42-721.43, any hours he or she successfully completes in relation to Section 42-721.43 shall be considered toward the 35-hour requirement.
- .22 An adult in a two-parent assistance unit that does not include an optional stepparent, as defined in Section 42.701.2(o)(3)
- .221 Unless exempt from participation, an adult recipient in a two-parent assistance unit whose basis for aid is unemployment shall participate in welfare-to-work activities for an average of at least 35 hours per week during the month, of which an average of 30 must be in core activities as specified in Section 42-709.31. The remaining hours can be in core or non-core activities as specified in Section 42-709.3.
- (a) Both parents may contribute toward the 30 core and 35 average total hourly requirements.

**42-709 CALWORKS FEDERAL STANDARDS** **42-709**  
(Continued)

.222 Unless exempt from participation, an adult recipient in a two-parent assistance unit where there is a second aided adult in the home who is exempt from welfare-to-work requirements due to a disability shall participate in welfare-to-work activities for an average of at least 30 hours per week during the month, of which an average of 20 must be in core activities as specified in Section 42-709.31. The remaining hours may be in core or non-core activities as specified in Section 42-709.3.

(a) A disabled exempt parent may not contribute to the 30 hours.

.23 Optional stepparents, as defined in Section 42.701(o)(3), in the assistance unit

.231 The hourly participation requirements for meeting CalWORKs federal standards in an assistance unit that includes an optional stepparent are as follows:

(a) A parent or caretaker relative resides in the household, but is not in the assistance unit.

(1) Unless otherwise exempt from participation, the optional stepparent shall participate in welfare-to-work activities, as described in Section 42-709.3, for an average of at least 30 hours per week during the month, of which an average of 20 must be in core activities as specified in Section 42-709.31.

(b) An assistance unit that has only one natural or adoptive parent

(1) At the option of the assistance unit, either the natural or adoptive parent or the optional stepparent shall participate in welfare-to-work activities for an average of at least 30 hours per week during the month, of which an average of 20 must be in core activities as specified in Section 42-709.31.

(2) Only one adult in the assistance unit can fulfill the minimum average 30-hour per week requirement.

(3) If one adult in the assistance unit is exempt from participation, the other adult must fulfill the minimum average 30-hour per week requirement.

(c) An assistance unit that has two natural or adoptive parents

(1) At the option of the assistance unit, one adult alone or in combination with the participation of another adult shall participate in welfare-to-work activities for an average of at least 35 hours per week during the month, of which an average of 30 must be in core activities as specified in Section 42-709.31.

**42-709 CALWORKS FEDERAL STANDARDS** **42-709**  
(Continued)

- (2) Only two adults in the assistance unit may combine hours to fulfill the minimum and core per week hourly requirements.
  - (3) If one or more adults in the assistance unit are exempt from participation, the other nonexempt adult or adults, if any, must fulfill the minimum and core hourly requirements.
  - (d) An assistance unit that has two natural or adoptive parents and at least one is exempt from welfare-to-work requirements due to a disability.
    - (1) At the option of the assistance unit, either the nonexempt natural or adoptive parent or the optional stepparent shall participate in welfare-to-work activities for an average of at least 30 hours per week during the month, of which an average of 20 must be in core activities as specified in Section 42-709.31.
    - (2) Only one adult in the assistance unit can fulfill the minimum average 30-hour per week requirement.
    - (3) If two adults in the assistance unit are exempt from participation, the nonexempt adult must fulfill the minimum average of 30-hour per week requirement.
- .3 Core and Non-Core Welfare-to-Work Activities for CalWORKs Federal Standards
- .31 Core activities for CalWORKs federal standards
- .311 Unsubsidized employment, as defined in Section 42-701.2(u)(2), and including
- (a) Self-employment as defined in Section 42-701.2(s)(1)
- .312 Subsidized employment, as defined in Section 42-701.2(s)(2), and including
- (a) Grant-based on-the-job training (OJT) as defined in Section 42-701.2(g)(2) and in accordance with Section 42-716.5
  - (b) OJT, as defined in Section 42-701.2(o)(2)
  - (c) Work study, as defined in Section 42-701.2(w)(5)
- .313 Work experience as defined in Section 42-701.2(w)(4) and in accordance with Section 42-716.3(d)

**42-709 CALWORKS FEDERAL STANDARDS 42-709**  
(Continued)

- .314 Community service as defined in Section 42-701.2(c)(5) and in accordance with Section 42-716.3(j)
- .315 Vocational education as defined in Section 42-716.1(m) that conforms to the following time limit limitation:
  - (a) Vocational education as a countable core activity is limited to a 12-month lifetime maximum.
- .316 Job search as defined in Section 42-701.2(j)(4) and job readiness as defined in Section 42-701.2(j)(3) that conforms to the following time limit limitation:
  - (a) Job search and job readiness is limited to four consecutive weeks, not to exceed six weeks in a 12-month period.
  - (b) Job readiness may include any of the following activities:
    - (1) Mental health services as defined in Section 42-716.2
    - (2) Substance abuse services as defined in Section 42-716.3
    - (3) Domestic abuse services as defined in Section 42-713.221
    - (4) Assessment pursuant to Section 42-711.55
- .317 Providing child care to a community service program participant
- .32 Non-core activities for CalWORKs federal standards
  - .321 Job skills training directly related to employment as defined in Section 42-716.1(l), when an individual has not achieved a high school diploma or its equivalent.
  - .322 Education directly related to employment as defined in Section 42-716.1(o)
  - .323 Satisfactory attendance in a secondary school or in a GED course as defined in Section 42-716.1(p)
- .4 Deeming Core Hours for Community Service and/or Unpaid Work Experience
  - .41 When an individual participates in community service or unpaid work experience for the maximum hours established in Section 42-716.1(d)(2) and Section 42-716.1(j)(2), respectively, the individual shall be deemed to meeting the core activity requirement.

<b>42-709</b>	<b>CALWORKS FEDERAL STANDARDS</b>	<b>42-709</b>
	(Continued)	

.42 Individuals who are deemed to have met core hours in accordance with Section 42-709.41, must in addition to the actual hours worked in community service or unpaid work experience, participate in additional hours such that his or her total number of actual hours meets the requirements of Section 42-709.2. Additional hours may be in core or non-core activities.

.5 Determining Whether CalWORKs Federal Standards are Met

.51 Determining whether CalWORKs federal standards are met for participants with time remaining on their Welfare-to-Work 24-Month Time Clock whose welfare-to-work plan is designed to meet CalWORKs federal standards in accordance with Section 42-709.2

.511 Except as described in Section 42-709.512, CalWORKs federal standards are met in a month based on the scheduled hours of the participant.

.512 When verification indicates an individual has not met CalWORKs federal standards in accordance with Section 42-709.52, the CWD shall begin counting months toward that participant's Welfare-to-Work 24-Month Time Clock in accordance with Section 42-708.25.

.52 Determining whether CalWORKs federal standards are met in a month for purposes of determining compliance after exhausting the Welfare-to-Work 24-Month Time Clock or whether a month does not count toward the Welfare-to-Work 24-Month Time Clock for participants whose welfare-to-work plan is designed to meet CalWORKs minimum standards.

.521 CalWORKs federal standards are met in a month by participating for the required number of hours described in Sections 42-709.2 and .4 in welfare-to-work activities described in Section 42.709.3.

.522 Monthly participation must include verification of actual hours of participation.

.53 The required average number of participation hours per week in the month for each assistance unit, as described in Section 42-709.2, is determined by dividing the recipient's total number of participation hours for the month in all activities, described in Section 42-709.3, by 4.33.

NOTE: Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 11322.6, 11322.8, 11322.85, 11325.21, and 11325.4, Welfare and Institutions Code; 42 U.S.C., Section 607(c)(1)(A), 42 U.S.C., Section 607(c)(2)(B), 42 U.S.C., Section 607(c)(1)(B), and 42 U.S.C., Section 607(c) and (d).

<b>42-710</b>	<b>18- AND 24- MONTH TIME LIMITS</b>	<b>42-710</b>
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Repealed by Manual Letter No. EAS-06-01, effective 4/3/06.

**42-711 WELFARE-TO-WORK PARTICIPATION REQUIREMENTS 42-711**

.1 Program Information for Applicants

.11 At the time an individual applies for aid or at the time a recipient's eligibility for aid is determined, the CWD shall do the following:

.111 Determine whether the individual is required to participate in welfare-to-work activities.

.112 Provide the individual, in writing and orally as necessary, with information including:

(a) A general description of education, employment, training opportunities, and the supportive services available, including transitional benefits.

(b) A general description of the Welfare-to-Work 24-Month Time Clock described in Section 42-708, including the following:

(1) Activities individuals can participate in during the 24-month period, pursuant to Section 42-716.1.

(2) Conditions that make months not count toward the 24-month period, pursuant to Section 42-708.3.

(3) Activities that individuals shall participate in after they have exhausted the 24-month period in order for adults to remain eligible for cash aid pursuant to Section 42-711.7.

(c) A description of the exemptions from required welfare-to-work participation provided in Section 42-712 and the consequences of a failure or refusal to participate in program components if not exempt, pursuant to Section 42-721.3.

.12 At the time an individual is required to participate in welfare-to-work activities, he or she will receive a written preliminary determination, if applicable, that he or she is a member of a targeted group for purposes of any federal or state employer tax credit that may be operative.

.2 Cal-Learn Exclusion

.21 The provisions of Section 42-711 shall not apply to individuals who are required to participate in, participating in, or exempt from, the Cal-Learn Program, as described in Sections 42-762 through 42-769.

.3 Non-Cal-Learn 19-Year-Old Custodial Parents

.31 A 19-year-old custodial parent who has no high school diploma or equivalent and is not participating in Cal-Learn is required to participate in welfare-to-work activities only to earn a high school diploma or its equivalent.

<b>42-711</b>	<b>WELFARE-TO-WORK PARTICIPATION REQUIREMENTS</b>	<b>42-711</b>
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(Continued)

- .311 The CWD may determine that participation in education activities for the purpose of earning a high school diploma or equivalent is inappropriate for a 19-year-old custodial parent:
  - (a) On the basis of an evaluation, pursuant to Section 42-711.58, which indicates that, because of a learning disability or medical problem, the individual is unable to successfully complete or benefit from these educational activities; or
  - (b) If at appraisal, the parent is already in an educational or vocational program that is approvable as a SIP in accordance with Section 42-711.541.
  
- .32 A 19-year-old custodial parent who has a high school diploma or equivalent is required to participate in welfare-to-work activities and is subject to all program requirements.
  
- .4 Hours of Participation
  - .41 Requirements to meet CalWORKs minimum standards for adults who have months remaining on their Welfare-to-Work 24-Month Time Clocks, as described in Section 42-708.
    - .411 Adult in One-Parent Assistance Unit that does not include an optional stepparent, as defined in Section 42-701.2(o)(3).
      - (a) Unless exempt from participation, an adult recipient in a one-parent assistance unit shall participate in welfare-to-work activities for an average of at least 30 hours per week during the month.
      - (b) Unless exempt from participation, an adult recipient in a one-parent assistance unit may participate in welfare-to-work activities, described in Section 42-716.1, for an average of at least 20 hours per week during the month if one of the following conditions are met:
        - (1) There is a child under six in the assistance unit.
        - (2) There is a child under six in the home who is not in the assistance unit but the adult recipient exercises responsibility for the day-to-day care and control of that child.
  
    - .412 Adult(s) in Two-Parent Assistance Unit, as defined in Section 42-701.2(t)(1), that does not include an optional stepparent, as defined in Section 42-701.2(o)(3).

## 42-711 WELFARE-TO-WORK PARTICIPATION REQUIREMENTS

42-711

(Continued)

- (a) Unless exempt from participation, an adult recipient in a two-parent assistance unit whose basis for aid is unemployment shall participate in welfare-to-work activities, as defined in Section 42-716.1, for an average of at least 35 hours per week during the month.
- (1) Both parents in a two-parent assistance unit may contribute toward the 35-hour requirement
- (b) Unless exempt from participation, an adult recipient in a two-parent assistance unit where there is a second adult in the home who is exempt from welfare-to-work due to a disability shall participate in welfare-to-work activities for an average of at least 30 hours per week during the month.
- (1) Unless also exempt from participation, the adult recipient may participate in welfare-to-work activities, described in Section 42-716.1, for an average of at 20 hours per week during the month if one of the following conditions are met:
- (A) There is a child under six in the assistance unit.
- (B) There is a child under six in the home who is not in the assistance unit but the adult recipient exercises responsibility for the day-to-day care and control of that child.
- (c) To be eligible for federally-funded CalWORKs child care, both parents shall participate to meet the family's minimum participation requirement of an average of at least 55 hours per week in welfare-to-work activities.
- (1) The 55-hour requirement does not apply to the family if an adult in the family is disabled, caring for a severely disabled child, or if nonfederal funds are used for child care.
- .413 Assistance Units that Include Optional Stepparents as defined in Section 42-701.2(o)(3).
- (a) An assistance unit that has no natural or adoptive parent
- (1) Unless otherwise exempt from participation, the optional stepparent shall participate in welfare-to-work activities, as described in Section 42-716.1, for an average of at least 30 hours per week during the month when there is no child under six.

**42-711** **WELFARE-TO-WORK PARTICIPATION REQUIREMENTS** **42-711**  
(Continued)

- (2) Unless otherwise exempt from participation, the optional stepparent may participate in welfare-to-work activities, as described in Section 42-716.1, for an average of at least 20 hours per week during the month if one of the following conditions are met:
  - (A) There is a child under six in the assistance unit.
  - (B) There is a child under six in the home who is not in the assistance unit but the adult recipient exercises responsibility for the day-to-day care and control of that child.
- (b) An assistance unit that has only one natural or adoptive parent
  - (1) At the option of the assistance unit, either the natural or adoptive parent or the optional stepparent shall participate in welfare-to-work activities, as described in Section 42-716.1, for an average of at least 30 hours per week during the month.
  - (2) The natural or adoptive parent or the optional stepparent may participate in welfare-to-work activities, as described in Section 42-716.1, for an average of at least 20 hours per week during the month if one of the following conditions are met:
    - (A) There is a child under six in the assistance unit.
    - (B) There is a child under six in the home who is not in the assistance unit but the adult recipient exercises responsibility for the day-to-day care and control of that child.
  - (3) Only one adult in the assistance unit can fulfill the minimum average 20- or 30-hour per week requirement.
  - (4) If one adult in the assistance unit is exempt from participation, the other adult must fulfill the minimum average 30-hour per week requirement.
- (c) An assistance unit that has two natural or adoptive parents
  - (1) At the option of the assistance unit, one adult alone or in combination with the participation of another adult shall participate in welfare-to-work activities, as described in Section 42-716.1, for an average of at least 35 hours per week during the month.

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**NONLINKING FACTORS OF PUBLIC ASSISTANCE ELIGIBILITY****Regulations****WELFARE-TO-WORK****42-711 (Cont.)**

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**42-711 WELFARE-TO-WORK PARTICIPATION REQUIREMENTS**  
(Continued)**42-711**

- (2) Only two adults in the assistance unit can fulfill the minimum average 35-hour per week requirement.
  - (3) If an adult in the assistance unit is exempt from participation, the other adult or adults must fulfill the minimum average 35-hour per week requirement.
- .42 Hours of participation for recipients who choose to meet CalWORKs federal standards and have months not count toward their Welfare-to-Work 24-Month Time Clocks, pursuant to Section 42-708, and recipients who have exhausted their 24-month time clocks are specified in Section 42-709.2.
- .43 The required average number of participation hours per week in the month for each assistance unit, as described in Section 42-711.4, is determined by dividing the recipient's total number of participation hours for the month in all activities, described in Section 42.716.1, by 4.33.
- .5 Assignment of Recipients to Welfare-to-Work Activities
- .51 After aid has been granted, recipients who are not exempt in accordance with Section 42-712, shall participate in welfare-to-work activities in the following sequence.

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**HANDBOOK BEGINS HERE**

- .511 Division 21, which includes provisions regarding nondiscrimination and the communication needs of limited English-proficient clients, applies to welfare-to-work activities and services.

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**HANDBOOK ENDS HERE**

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- .512 A county shall provide welfare-to-work activities and services to a reunification parent, including a sanctioned individual, pursuant to the temporary absence/family reunification provisions of Section 82-812.68, and the county child welfare services agency determines that such services are necessary for family reunification.
- .52 Appraisal
- .521 Recipients are required to participate in the appraisal specified in Section 42-711.522. At the option of the CWD, applicants may voluntarily participate.
- .522 Prior to or during the appraisal, the CWD shall inform the individual in writing of the following:
- (a) The requirement to participate in available welfare-to-work activities up to the time limit specified in Section 42-716.11 and for the required number of participation hours pursuant to Sections 42-716.2, .21, and .22.

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**CALIFORNIA-DSS-MANUAL-EAS****MANUAL LETTER NO. EAS-15-01****Effective 1/22/15**

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**42-711 WELFARE-TO-WORK PARTICIPATION REQUIREMENTS**  
(Continued)**42-711**

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- (1) Degree, certificate, or vocational programs offered by private postsecondary schools are either: approved or exempted by the Department of Consumer Affairs, Bureau for Private Postsecondary and Vocational Education or accredited by the Western Association of Schools and Colleges.

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**HANDBOOK ENDS HERE**

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- .544 If participation in a SIP, as determined by the number of hours required for classroom, laboratory, or internship activities, is not at least the number specified in paragraph (a) or (b), the CWD shall require concurrent participation in work activities, pursuant to Sections 42-716.1(a) through (j) inclusive and in accordance with Section 42-711.5, to reach the hourly requirement.
- (a) Except as provided in paragraph (b), the individual shall participate for at least an average of 30 hours per week during the month.
  - (b) The individual may participate for an average of at least 20 hours per week during the month if one of the following conditions are met:
    - (1) There is a child under six in the assistance unit.
    - (2) There is a child under six in the home who is not in the assistance unit but the adult recipient exercises responsibility for the day-to-day control of that child.
- .545 Participation in the self-initiated education or vocational training program must be reflected in the required welfare-to-work plan.
- (a) The welfare-to-work plan shall provide that whenever an individual ceases to participate in, refuses to attend regularly, or does not maintain satisfactory progress in the SIP, the individual shall participate in the welfare-to-work activities in accordance with Section 42-711.5.

**42-711 WELFARE-TO-WORK PARTICIPATION REQUIREMENTS (Continued) 42-711**

- (b) An individual participating in a SIP can voluntarily choose to end his or her SIP at any time before the program is completed. If the individual indicates an interest in ending the SIP, the county should discuss what other welfare-to-work plan options the individual may have, including whether an assessment would be necessary. When necessary, an assessment pursuant to Section 42-711.55 must be conducted prior to the individual choosing to end his or her SIP in order for the individual to make an informed decision about the activities that would replace the SIP hours in his or her welfare-to-work plan. This discussion must be documented in the individual's case file.
- .546 Any person whose previously approved SIP is interrupted for reasons that meet the good cause criteria in Section 42-713.2 may resume participation in the same program if the participant maintained good standing in the program while participating and the SIP continues to meet the approval criteria.
- (a) Repealed by Manual Letter No. EAS-06-01, effective 4/3/06.
- .547 Any recipient may continue until the beginning of the next educational semester or quarter break in his or her educational program that does not meet the criteria of Section 42-711.541, if:
- (a) He or she is enrolled, as defined in Section 42-711.549, as of the earlier of:
    - (1) The date he or she is appraised, or
    - (2) The date he or she would have been appraised if he or she had not failed, without good cause, to appear for the appraisal appointment:
  - (b) He or she is making satisfactory progress in, the educational program;
  - (c) He or she continues to make satisfactory progress in the program.
- .548 At the time the educational break occurs as provided in Section 42-711.547, the individual is required to participate in welfare-to-work activities pursuant to Section 42-711.51.
- (a) A recipient, described under Section 42-711.547, who is not expected to complete the program by the next break, may continue his or her education provided:
    - (1) He or she transfers at the end of the current quarter or semester to a program that qualifies under Section 42-711.541;

**42-711** **WELFARE-TO-WORK PARTICIPATION REQUIREMENTS (Continued)** **42-711**

- (2) The CWD determines that participation is likely to lead to self-supporting employment of the recipient; and
- (3) The welfare-to-work plan reflects that determination.

.549 For purposes of Sections 42-711.541 and .547, enrolled means that an individual has applied for and been accepted into the degree or certificate program, and continues to meet or fulfill all conditions, imposed by the institution offering the program, to maintain current enrollment status.

.55 Assessment

.551 Participants, except those excluded as provided in Sections 42-711.31, 42-711.557, and 42-711.558 and Section 42-719.111, shall be referred to assessment, if:

- (a) They do not obtain unsubsidized employment with sufficient hours to meet the minimum hours of participation required under Sections 42-711.411 or .421;
- (b) The CWD determines that participation in job search will not be required as the first activity because it would not be beneficial;
- (c) The CWD decides to shorten job search because it is not likely to lead to employment, or;
- (d) The CWD determines that participation in job search will not be required if the recipient is a noncitizen victim of human trafficking, domestic violence or other serious crimes as specified in Section 42-431.23 and does not have authorization to work from the United States Citizenship and Immigration Services.

- (1) A recipient who does not have authorization to work should be assigned to welfare-to-work activities that will assist him or her to prepare for future employment, which may include, but is not limited to, adult basic education (English language training), vocational education and training, domestic violence, mental health, and substance abuse services.

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(Continued)

- .552 Participants who are employed in unsubsidized employment with sufficient hours to meet the minimum hours of participation required under Sections 42-709.2 or 42-711.4, shall be referred to assessment if they wish to participate in additional welfare-to-work activities listed in Section 42-716.1. If they do not wish to participate in additional welfare-to-work activities, they may opt out of an assessment.
  - (a) These individuals shall be informed that they will be required to sign a welfare-to-work plan.
  - (b) They shall also be informed that if they do not go to assessment the welfare-to-work plan shall provide only for unsubsidized employment and necessary supportive services.
  - (c) If at any time an individual who opted out of assessment does not meet his or her minimum hours of participation as assigned according to the welfare-to-work plan developed in accordance with Section 42-711.632, he or she shall be referred to assessment.
  
- .553 Upon referral to assessment, a participant shall work with the CWD to develop and agree on a welfare-to-work plan, on the basis of the assessment of the individual's skills and needs. The plan shall specify the activities to which the participant will be assigned and the supportive services to be provided.
  
- .554 The assessment shall include at least all of the following:
  - (a) The participant's work history and an inventory of his or her employment skills, knowledge, and abilities.
  - (b) The participant's educational history and present educational competency level.
  - (c) The participant's needs including the need for supportive services in order to obtain the greatest benefit from the employment and training services offered under CalWORKs.
  - (d) An evaluation of the chances for employment given the current skills of the participant and the local labor market conditions.
  - (e) Local labor market information.
  - (f) Physical limitations or mental conditions that limit the participant's ability for employment or participation in welfare-to-work activities.
  - (g) Identification of available resources to complete the welfare-to-work plan.

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(Continued)

- .555 The CWD may contract with outside parties, including local educational agencies and service delivery areas, to provide the assessment.
  
  - .556 If the participant disagrees with the results of the assessment, the matter shall be referred by the CWD for an independent assessment by an impartial third party.
    - (a) The results of this assessment, which shall be binding upon the county and the participant, shall be used to develop the appropriate plan for the participant.
      - (1) No state hearing shall be granted regarding an assessment used to develop a welfare-to-work plan until an independent third-party assessment has been performed.
    - (b) No third party assessment shall be made by a party having any financial or other interest in the result of the assessment. The party making the assessment must be selected by the county according to an unbiased procedure.
  
  - .557 An assessment, described in Section 42-711.55, shall not be required to develop a welfare-to-work plan for participants in approved SIPs unless the CWD determines that an assessment is necessary to assign the participant to concurrent activities to meet the minimum hourly participation requirement specified in Section 42-711.41.
  
  - .558 An assessment, as described in Section 42-711.55, shall not be required for those welfare-to-work activities and services that are only provided as a component of a reunification plan as defined in Section 80-301(r)(5), subject to the temporary absence/family reunification provisions of Section 82-812.68.
    - (a) An assessment and a welfare-to-work plan as described in Sections 42-711.55 and .6 respectively, are necessary for any welfare-to-work activities and services that are provided separate and beyond those welfare-to-work activities and services that are specified in a reunification plan.
  
  - .56 Mental Health Assessment
- If there is a concern that a mental disability exists that will impair the ability of a recipient to obtain employment, he or she shall be referred to the county mental health department.

**HANDBOOK BEGINS HERE**

- .561 Subject to appropriations in the Budget Act, the county mental health department shall evaluate the recipient and determine any treatment needs.
  
- .562 The evaluation shall include:
  - (a) The extent to which the individual is capable of employment at the present time and under what working and treatment conditions the individual is capable of employment.
  
  - (b) Prior diagnoses, assessments, or evaluations that the recipient provides.
  
- .563 Each CWD shall develop individual welfare-to-work plans for participants with mental or emotional disorders based on the evaluation conducted by the county mental health department.
  - (a) The recipient's welfare-to-work plan shall include appropriate employment accommodations or restrictions, supportive services, and treatment requirements. (See Section 42-716.5, mental health treatment services.)
  
  - (b) Any prior diagnosis, evaluation, or assessment provided by the recipient shall be considered in the development of his or her welfare-to-work plan.

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**HANDBOOK ENDS HERE**

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.57 Substance Abuse Assessment

If there is a concern that a substance abuse problem exists that will impair the ability of a recipient to obtain or retain employment, he or she shall be referred to the county alcohol and drug program for an evaluation and determination of any treatment necessary for the participant's transition from welfare to work. If the CWD determines that the county alcohol and drug program is unable to provide the needed services, the county department may contract directly with a nonprofit state-licensed narcotic treatment program, residential facility, or certified nonresidential substance abuse program to obtain substance abuse services for a participant.

**42-711 WELFARE-TO-WORK PARTICIPATION REQUIREMENTS** **42-711**  
(Continued)

.571 If a participant is determined to have a substance abuse problem, based on an evaluation by the county alcohol and drug program or a state-licensed or certified nonprofit agency, the case manager shall develop the participant's welfare-to-work plan based on the results of that evaluation. In such a case, the participant's welfare-to-work plan may include appropriate treatment requirements, including assignment to a substance abuse program.

.58 Evaluation

A participant with a suspected learning or medical problem, as determined by information received during appraisal or assessment or by lack of satisfactory progress in an assigned activity component, shall be referred to an evaluation. This evaluation shall be performed by a professional whose training qualifies them to determine whether the participant is unable to successfully complete or benefit from a current or proposed activity assignment. As part of the evaluation, the CWD may require the participant to undergo the appropriate examinations to obtain information regarding the participant's learning and physical abilities.

.581 Based upon the results of the evaluation, the CWD may refer the participant, as appropriate, to any of the following:

- (a) Any of the welfare-to-work activities described in Section 42-716.1 including referrals to the participant's previous activities.
- (b) Existing special programs that meet specific needs of the participant.
- (c) Job search services if the CWD determines the participant has the skills needed to find a job in the local labor market.
- (d) Assessment in accordance with Section 42-711.55.
- (e) Rehabilitation assessment and subsequent training.

.582 The participant shall be involved in the decisions made during the evaluation and will have the same right to appeal through the state hearing process, specified in Section 42-721.5, as other program participants.

<b>42-711</b>	<b>WELFARE-TO-WORK PARTICIPATION REQUIREMENTS</b>	<b>42-711</b>
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(Continued)

.6 Welfare-to-Work Plan and Universal Engagement

.61 After assessment, or a determination by the county child welfare services agency that CalWORKs services are necessary for family reunification, any recipient of aid or reunification parent pursuant to Section 82-812.68 who is required or who volunteers to participate in welfare-to-work activities shall enter into a written welfare-to-work plan with the CWD as soon as administratively feasible, but no later than the time frame specified in Section 42-711.62 for non-exempt individuals. However, the county may elect to utilize a reunification plan as defined in Section 80-301(r)(5) in lieu of the welfare-to-work plan when all of an individual's welfare-to-work activities and services are provided as a component of a reunification plan under the temporary absence/family reunification provisions of Section 82-812.68. If the county uses the family reunification (FR) plan in lieu of the welfare-to-work plan the county shall inform the individual, in writing, regarding his/her eligibility for CalWORKs family reunification services, and include a reference to the FR plan and the county child welfare service agency.

.611 The plan shall include the activities and services, to be provided pursuant to Section 42-716, that will move the participant into employment and toward self-sufficiency.

.612 A copy of the complete, signed plan shall be provided to the participant.

.62 Except as specified in Sections 42-711.621 and .622, a non-exempt individual shall enter into his or her welfare-to-work plan after assessment, but no more than 90 days after the date that the individual's eligibility for aid is initially determined or the date that the individual is required to participate in welfare-to-work activities pursuant to Sections 42-711.623(c) or (d), unless the individual meets an exemption criterion as specified in Section 42-712.4 or is otherwise not required to sign a welfare-to-work plan.

.621 The individual may enter into his or her welfare-to-work plan with the CWD as late as 90 days after the completion of job search if job search, as defined in Sections 42-701.2(j)(2) and (3), and as specified in Section 42-711.53, is initiated within 30 days after the individual's eligibility for aid is determined or the date the individual is required to participate pursuant to Section 42-711.623.

(a) Job search is considered to be "initiated" when an individual begins attending an allowable job search activity.

.622 The 90-day period specified in Section 42-711.62 and the 30-day period specified in Section 42-711.621 do not include the following:

**42-711 WELFARE-TO-WORK PARTICIPATION REQUIREMENTS**  
(Continued)**42-711**

- (a) Time in good cause, compliance, and sanctioning processes pursuant to Section 42-721, including the participation time in activities to end a sanction.
    - (1) “Time in good cause” pursuant to Section 42-711.622(a) includes time when the individual notifies the county in advance that he or she cannot attend an assigned activity and the county determines that the individual has good cause.
  - (b) Time between the date a learning disability evaluation appointment is scheduled and the date the county receives the final report, up to a maximum of 90 days. After the final report from the learning disability evaluator is received by the county, or on the 91st day if the final report has not been received, the 30- and 90-day periods resume.
- .623 Except for Sections 42-711.621 and .622, the 90-day and 30-day time frames start as follows:
- (a) The date of the notice of action that informs a non-exempt individual of his or her initial eligibility for aid when he or she is eligible for aid on the date of application.
  - (b) The date a non-exempt individual begins receiving aid when the individual is initially ineligible for aid on the date of application and the county has determined that he or she will be eligible for aid within 60 days in accordance with Section 40-171.11.
  - (c) The date an individual is required to participate in welfare-to-work activities when he or she has been receiving aid but was not required to have a welfare-to-work plan developed and the county knows this date in advance.
  - (d) The date the county learned an individual is required to participate in welfare-to-work activities when he or she has been receiving aid but was not required to have a welfare-to-work plan and the county does not know this date in advance, but no longer than 30 days from the date the individual was required to participate.

<b>42-711</b>	<b>WELFARE-TO-WORK PARTICIPATION REQUIREMENTS</b>	<b>42-711</b>
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(Continued)

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- .624 Example 1: An individual, upon receipt of aid, was granted a 6 month exemption from welfare-to-work participation due to the birth of a child; therefore, she will not be required to sign a welfare-to-work plan until after her exemption ends on June 15. The county must develop, and have the individual sign, a welfare-to-work plan no later than 90 days from June 16 pursuant to Section 42-711.623(c).
- .625 Example 2: An individual's 90-day period in which the county must develop her welfare-to-work plan begins on the date she is eligible for aid. Forty days into the 90-day period she is diagnosed with a medical condition and is exempted from participation for four months, until November 5. The county must develop, and have the individual sign, a welfare-to-work plan no later than 90 days from November 6 pursuant to Section 42-711.623(c).

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- .63 A participant shall take part in one or more welfare-to-work activities for, in accordance with the requirements for the Welfare-to-Work 24-Month Time Clock, as described in Section 42-708, or for CalWORKs federal standards as described in Section 42-709, the required minimum hours as specified in Sections 42-709.2 or 42-711.4, and as provided in the welfare-to-work plan.
- .631 In developing a welfare-to-work plan, the CWD shall discuss all of the following with the participant:
- (a) The participation flexibility during the Welfare-to-Work 24-Month Time Clock period and the scope of activities that he or she may participate in including his or her ability to meet CalWORKs federal standards.
  - (b) The conditions that allow a month not to count toward the Welfare-to-Work 24-Month Time Clock, including but not limited to, meeting CalWORKs federal standards in accordance with Section 42-709.5.
  - (c) The welfare-to-work participation requirements for individuals who have exhausted their Welfare-to-Work 24-Month Time Clock pursuant to Section 42-711.7.
- .632 In consultation with the participant, the CWD shall, consistent with the assessment conducted in Section 42-711.55, develop a welfare-to-work plan that is intended to meet either CalWORKs federal standards or to utilize the full range of activities available in accordance with the Welfare-to-Work 24-Month Time Clock.

**42-711 WELFARE-TO-WORK PARTICIPATION REQUIREMENTS**  
(Continued)**42-711**

- .633 In determining the activities to be included in a welfare-to-work plan that utilizes the Welfare-to-Work 24-Month Time Clock or a plan intended to meet CalWORKs federal standards, all of the following shall be considered:
- (a) The participant's need for barrier removal activities or other welfare-to-work activities that may not meet CalWORKs federal standards.
  - (b) The extent to which educational activities may be countable under CalWORKs federal standards.
  - (c) The circumstances and career goals of the participant.
- .634 A welfare-to-work plan developed to utilize the Welfare-to-Work 24-Month Time Clock shall be consistent with the assessment conducted in Section 42-711.55, and designed to remove particular barriers to employment or to meet the career goals of the participant in achieving self-sufficiency.

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Example 1: An individual completes an assessment that states she is required to participate in the welfare-to-work program. She is in a one-parent assistance unit with a seven year old child and she has significant barriers to employment. In the assessment it is noted that she may have a learning disability, she has a substance abuse problem, and she does not have a high school diploma. She meets with her caseworker after a learning disability evaluation has been completed and her welfare-to-work plan is written, consistent with her assessment and learning disability evaluation taking full advantage of her Welfare-to-Work 24-Month Time Clock by having hours assigned for substance abuse services, adult basic education, and sufficient study time to accommodate her learning disability.

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**HANDBOOK CONTINUES**

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**HANDBOOK CONTINUES**

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Example 2: An individual completes an assessment that states he is required to participate in the welfare-to-work program. He is in a one-parent assistance unit with a four year old child and has sufficient job skills and education. The assessment also states that he has suffered from mental health issues in the past. The CWD refers him to and he receives a mental health evaluation from the county mental health department. The participant meets with his caseworker shortly after the completion of the assessment and mental health evaluation. After discussing the results and the options available in regards to the Welfare-to-Work 24-Month Time Clock and CalWORKs federal standards, the participant expresses an interest in participating in mental health services as his sole activity for 20 hours per week. However, the mental health evaluation recommended that while he is stable at the time, he would benefit from bi-monthly counseling sessions. The CWD explains that while 20 hours a week of mental health services is not consistent with his assessment and mental health evaluation, the bi-monthly counseling sessions should be included in his welfare-to-work plan and works with him to find other activities to participate in that are consistent with his assessment.

Example 3: An individual completes an assessment that states she is required to participate in the welfare-to-work program. She is in a one-parent assistance unit with a two year old child and has limited job skills, a high school diploma, one year of college, and no noted barriers. She is currently working 20 hours per week as a waitress. She meets with her caseworker shortly after the completion of the assessment and they discuss the results of her assessment and the options available in regards to the Welfare-to-Work 24-Month Time Clock and CalWORKs federal standards. She tells her caseworker that she would like to stop working and go to the Radiologic Technology Program at the local community college to get a higher paying job. Even though she has not participated in a vocational education program while on cash aid, she tells her worker that she does not want a welfare-to-work plan designed to meet CalWORKs federal standards, as she wants to preserve her federal 12-month limit on vocational education. The caseworker explains to her that if she wants to attend the vocation education program full-time, she will be meeting CalWORKs federal standards and, therefore, must have a plan designed to meet CalWORKs federal standards. Her caseworker also explains that while she is meeting CalWORKs federal standards, those months will not count toward her Welfare-to-Work 24-Month Time Clock, so she will be preserving those months for full-time education when she exhausts her 12-month limit on vocational education under CalWORKs federal standards. She signs a welfare-to-work plan designed to meet CalWORKs federal standards.

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<b>42-711</b>	<b>WELFARE-TO-WORK PARTICIPATION REQUIREMENTS</b>	<b>42-711</b>
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Example 4: An individual completes an assessment that states that he is required to participate in the Welfare-to-Work Program. He is in a one-parent assistance unit with a seven year old child. The assessment notes that he could benefit from some job skills training, but does not have any barrier due to lacking basic literacy. The participant is currently working 20 hours a week as a cashier in a convenience store, but his career goal is to become a plumber. To reach his career goal, the participant wants to return to a plumbing program at a local community college for 20 hours a week, including appropriate homework time, and reduce his work hours to 10 hours per week. Since his requested activities are consistent with his assessment, he and his caseworker agree to a 20-hour per week plumbing job skills training program and 10 hours per week of unsubsidized employment. Because he has already used his 12-month lifetime limit for participating in a vocational education program, the caseworker also explained that his plan is designed to utilize his Welfare-to-Work 24-Month Time Clock, but that if he chooses at any time to work at least 20 hours a week and participate in job skills for at least 10 hours a week he would be meeting CalWORKs federal standards and months would not count towards his Welfare-to-Work 24-Month Time Clock.

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- .64 The plan shall be written in clear and understandable language and have a simple, easy-to-read format.
  - .641 The plan shall contain at least, but is not limited to, the information provided to the individual pursuant to Sections 42-711.522(b), (c)(1) and (2), and (d)(2).
  - .642 The plan shall specify, and shall be amended to reflect changes in, the participant's welfare-to-work activities, a description of needed supportive services to be provided, and specific requirements for successful completion of assigned activities including required hours of participation.
    - (a) The plan shall also address school attendance of all children in the assistance unit for whom school attendance is compulsory, as specified in Section 40-105.5, and identify any participation required of the parent by the school to ensure the child's attendance. Such participation hours by the parent shall count toward the required hours of participation specified in Section 42-711.
    - (b) The plan shall outline how hours of participation in welfare-to-work activities satisfy the participation requirements pursuant to Sections 42-709.2, 42-711.4 or 42-711.7.

<b>42-711</b>	<b>WELFARE-TO-WORK PARTICIPATION REQUIREMENTS</b>	<b>42-711</b>
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(Continued)

- (c) A participant in a welfare-to-work plan intended to meet CalWORKs federal standards shall meet those standards in accordance with the procedures specified in Section 42-709. In the case where a participant has not exhausted the Welfare-to-Work 24-Month Time Clock and is no longer meeting CalWORKs federal standards in accordance with those provisions, a new welfare-to-work plan designed to meet CalWORKs minimum standards shall be developed for the participant in accordance with this section.
  
- .643 Participation in activities assigned under the welfare-to-work plan may be sequential or concurrent. The CWD may require concurrent participation in the assigned activities if it is appropriate to the participant's abilities, consistent with the participant's welfare-to-work plan, and the activities can be concurrently scheduled.
  
- .644 If the CWD determines it to be appropriate and necessary for the removal of the participant's barriers to employment, an individual who lacks basic literacy or mathematics skills, a high school diploma or general educational development certificate, or English language skills, shall be assigned to participate in adult basic education as defined in Section 42-716.1(k).
  
- .645 The participant shall maintain satisfactory progress in the activities to which the participant is assigned, and the CWD shall provide the necessary supportive services as set forth in the plan.
  
- .646 The CWD shall allow the participant three (3) working days after the completion of the welfare-to-work plan or subsequent amendments to the plan in which to evaluate, and request changes to, the terms of the plan.
  
- .647 The participant has 30 days from the beginning of the initial welfare-to-work activity in which to request a change or reassignment to another activity or component of the activity.
  - (a) The CWD shall grant the participant's request for reassignment if another assignment is available and consistent with the individual's welfare-to-work plan and the CWD determines the other activity will readily lead to employment.
  - (b) This grace period will be available only once to each participant.
  
- .648 If an activity to be provided under the welfare-to-work plan is not immediately available to the participant, he or she shall be assigned to job search and/or job readiness activities until the education or training activity designated in the plan is available.
  - (a) Job search activities are subject to the limits described in Section 42-711.53.

<b>42-711</b>	<b>WELFARE-TO-WORK PARTICIPATION REQUIREMENTS (Continued)</b>	<b>42-711</b>
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- (b) The number of weeks during which an individual's participation in job search and job readiness activities will count toward meeting the federal work participation rates is limited by federal law. See Section 42-714.3(f).

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.65 A participant shall be provided written notice of the availability of paid child care, pursuant to Section 47-301.2, when he or she signs an original or amended welfare-to-work plan.

.7 Post Welfare-to-Work 24-Month Time Clock Participation Requirements

.71 After an individual has exhausted his or her Welfare-to-Work 24-Month Time Clock described in Section 42-708, unless otherwise exempt, or having received an extension to the 24-month time clock, the individual must meet CalWORKs federal standards in accordance with Section 42-709 for the individual to continue receiving cash aid.

.711 Except as provided in Section 42-711.72, an individual who fails to meet CalWORKs federal standards is subject to the noncompliance provisions pursuant to Section 42-721.

.712 The term "removed from cash aid" instead of "sanctioned" shall be used when referring to an individual who is in the noncompliance process described in Section 42-721.

.72 In a two-parent assistance unit, an adult who has exhausted his or her Welfare-to-Work 24-Month Time Clock is excused from participation and will remain on aid when the second adult is the sole participant meeting CalWORKs minimum standards.

<b>42-711</b>	<b>WELFARE-TO-WORK PARTICIPATION REQUIREMENTS</b> (Continued)	<b>42-711</b>
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.8 Satisfactory Participation

.81 The criteria for satisfactory participation in an assigned education or training activity include regular attendance and satisfactory progress. A participant who fails or refuses to comply with program requirements for participation in the activities assigned pursuant to Section 42-711, and whose failure to make satisfactory progress is not due to a learning or medical problem, shall be subject to compliance and sanction requirements in accordance with Sections 42-721.2 and .4, respectively, unless the participant is exempt from the participation and compliance requirements pursuant to Section 42-721.13.

.811 The CWD or the service provider shall inform the participant of the standards for meeting the regular attendance and satisfactory progress requirements for the program to which they are assigned.

.9 Repealed by Manual Letter No. EAS-06-01, effective 4/3/06.

NOTE: Authority cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code; and SB 1569 (Chapter 672, Statutes of 2006). Reference: Sections 11203, 11253.5(b), 11320.1, 11320.1(c), 11320.15, 11320.3, 11322.6, 11322.8, 11322.85, 11322.85(a)(2) and (3), 11322.86, 11324.8(a), (b) and (c), 11325.2, 11325.21, 11325.22, 11325.23(a), (b), (c), (e), and (f), 11325.24, 11325.25, 11325.4, 11325.5, 11325.6, 11325.7, 11325.8, 11326, 11327.4, 11327.5, 11327.6, 11454, 13283, 15204.2 and .8, 16501.1(d) and (f), and 18945(a), Welfare and Institutions Code; and 42 U.S.C. 607(c)(1)(A), (c)(1)(B)(ii), (c)(2)(A)(i) , and (d).

**42-712 EXEMPTIONS FROM WELFARE-TO-WORK PARTICIPATION 42-712**

- .1 Every individual is required to participate in welfare-to-work activities as a condition of eligibility for cash aid under CalWORKs, unless exempt in accordance with Sections 42-712.41 through .49 or excused from participation as specified in Sections 42-712.11, .12, .13 or .14:
- .11 An individual who is required to participate in, is participating in, or is exempt from, the Cal-Learn Program described in Sections 42-762 through 42-769. These individuals are subject to Cal-Learn Program requirements in lieu of the welfare-to-work requirements, while the Cal-Learn Program is operative.
- .12 A second parent in a two-parent assistance unit, whose basis for aid is unemployment, who is not required to participate in welfare-to-work activities because the first parent is meeting the required participation hours described in Section 42-711.412.
- .13 A non-minor dependent is exempt if he/she meets one or more of the following requirements:
- (a) Enrolled in and working towards completing high school or an equivalency program.
  - (b) Enrolled at least half-time in post-secondary or vocational school, or enrolling for the next available term.
  - (c) Participating in a program or activity that promotes or removes barriers to employment.
  - (d) Employed at least 80 hours per month.
  - (e) Incapable of enrollment or participation in school or employment due to a documented medical (physical, mental, or emotional) condition.
- .14 A parent in an assistance unit that includes an optional stepparent, as defined in Section 42-701.1(o)(3), who is not required to participate in welfare-to-work activities because either the stepparent or the natural or adoptive parent is meeting the required participation hours described in Sections 42-711.413 (b) or (c), respectively.
- .2 Exemptions specified in Sections 42-712.41 through 42-712.48 shall not apply to individuals who are required to participate in, are participating in, or are exempt from, the Cal-Learn Program described in Sections 42-762 through 42-769.
- .3 Recipients are required to provide the documentation that is necessary to substantiate any claim to an exemption.
- .31 CWDs shall advise recipients about the range of documents that is acceptable to verify exemption.
- .4 Individuals who meet any of the criteria specified in Sections 42-712.41 through 42-712.49 are exempt from participating in welfare-to-work activities as a condition of eligibility for cash aid under CalWORKs for so long as the condition(s) described in such sections exist.

<b>42-712</b>	<b>EXEMPTIONS FROM WELFARE-TO-WORK PARTICIPATION</b>	<b>42-712</b>
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.41 Exemption Based on Age Under 16

.411 A child under 16 years of age is exempt from participating in welfare-to-work activities.

.42 Exemption Based on School Attendance

.421 An individual 16, 17, or 18 years of age is exempt from welfare-to-work participation when he/she is attending full-time, a school in grade twelve or below, or vocational or technical school. An individual who is 16 or 17 years old or a custodial parent who is under 20 years old described in Section 42-711.3 and whose required welfare-to-work activity is to attend school shall not requalify for the exemption in this section by attending school as a required welfare-to-work activity, in accordance with Section 42-719.

(a) A full-time program shall be as defined by the school.

.422 An individual 16 or 17 years of age who has obtained a high school diploma, or its equivalent, and is enrolled or planning to enroll in a postsecondary educational, vocational, or technical school training program is exempt from welfare-to-work participation.

(a) For purposes of Section 42-712.422, a person shall be deemed to be planning to enroll in a postsecondary educational, vocational, or technical school training program if he or she, or his or her parent, acting on his or her behalf, submits a written statement expressing his or her intent to enroll in such a program for the following term.

(1) Unless verification of enrollment is provided to or obtained by the county, the exemption from participation shall not continue beyond the beginning of the following term.

.43 Exemption Based on Age 60 or Older

.431 An individual who is 60 years of age or older is exempt from participating in welfare-to-work activities.

<b>42-712</b>	<b>EXEMPTIONS FROM WELFARE-TO-WORK PARTICIPATION</b>	<b>42-712</b>
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- .452 For an aided nonparent caretaker relative to qualify for this exemption, the CWD shall determine that his or her caretaking responsibilities:
  - (a) Are beyond those considered normal day-to-day parenting responsibilities, and
  - (b) Impair the caretaker relative's ability to be regularly employed or to participate in welfare-to-work activities.
  
- .46 Exemption Based on the Care of an Ill or Incapacitated Member of the Household
  - .461 An individual is exempt from participating in welfare-to-work activities when his/her presence in the home is required because of the illness or incapacity of another member of the household.
    - (a) For an individual to qualify for this exemption, the CWD shall determine that the caretaking responsibilities impair the ability of the individual to be regularly employed or to participate in welfare-to-work activities.
  
- .47 Exemption Based on the Care of a Child
  - .471 The parent or other relative who has primary responsibility for personally providing care to a child six months of age or under is exempt from welfare-to-work participation.
    - (a) An individual shall be eligible for the exemption in Section 42-712.47 only one time under the CalWORKs Program.
    - (b) On a case-by-case basis, the CWD may reduce the period of exemption to the first 12 weeks, or increase it to the first 12 months, after the birth or adoption of the child.
      - (1) The CWD shall establish criteria by which the period of exemption in Section 42-712.471 is reduced or extended.
        - (A) In making the determination to extend the period of exemption after the birth or adoption of a child, the CWD may consider the availability of child care, local labor market conditions, and other factors the CWD determines are applicable.
    - (c) The exemption in Section 42-712.47 shall not apply to a 19-year old custodial parent described in Section 42-711.31.

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.472 An individual who has previously received the exemption in Section 42-712.471 shall be exempt for a period of 12 weeks upon the birth or adoption of any subsequent children.

(a) The CWD may extend the period for an exemption in Section 42-712.472 to six months on a case-by-case basis.

(1) The CWD shall establish criteria by which the period specified in Section 42-712.472 is extended.

(A) In making the determination to extend the period of exemption after the birth or adoption of a child, the CWD may consider the availability of child care, local labor market conditions, and other factors the CWD determines are applicable.

.473 In a family eligible for aid due to the unemployment of the principal wage earner, the exemption in Section 42-712.47 shall apply to only one parent.

.474 The parent or other relative who has primary responsibility for personally providing care to one child who is from 12 to 23 months of age, inclusive, or two or more children who are under six years of age is exempt from welfare-to-work participation. This paragraph is effective July 28, 2009 and shall become inoperative on January 1, 2013.

.475 The parent or other relative who has primary responsibility for personally providing care to one child from birth to 23 months, inclusive. This paragraph is effective January 1, 2013.

(a) An individual shall be eligible for the exemption in Section 42-712.475 only one time under the CalWORKs Program.

.48 Exemption Based on Pregnancy

.481 A woman who is pregnant is exempt from welfare-to-work participation if the pregnancy impairs her ability to be regularly employed or participate in welfare-to-work activities.

(a) The exemption based on pregnancy is supported by medical verification that the pregnancy impairs the woman's ability to be regularly employed or participate in welfare-to-work activities.

.482 An exemption based on a medically-verified pregnancy may also be granted when the CWD determines that participation will not readily lead to employment or that a training activity is not appropriate.

**42-712 EXEMPTIONS FROM WELFARE-TO-WORK PARTICIPATION** **42-712**  
(Continued)

- .49 An individual is exempt if he/she is a full-time volunteer in the Volunteers in Service to America (VISTA) Program, as provided by Title I of the Federal Domestic Volunteer Act of 1973.
- .491 This exemption is supported by either of the following:
- (a) a copy of a Domestic Volunteer Earnings Statement or
  - (b) a written verification from the VISTA sponsor or the Federal Region IX ACTION/VISTA Office.
- .5 Any individual who is not required to participate may volunteer to participate in welfare-to-work activities and may end that participation at any time without loss of eligibility for aid, provided his or her status has not changed in a way that requires participation.
- .51 For purposes of Section 42-715.5, a volunteer participant is as follows:
- .511 An individual who is exempt pursuant to Sections 42-712.41 through .49, but who volunteers to participate; or
  - .512 An individual who is not required to participate for reasons other than the exemptions described in Sections 42-712.41 through .49, but who volunteers to participate.

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- (a) For example, in a two-parent assistance unit, whose basis for aid is unemployment, the second parent is not required to participate when the first parent is meeting the required participation hours but may participate as a volunteer.

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- .6 Any month in which an individual is exempt from participation in welfare-to-work activities based on the following exemption criteria shall not be taken into consideration as a month of receipt of aid in computing the 48-month time limit described in Section 42-302. Other exemptions from the 48-month time limit are listed in Section 42-302.
- .61 Being age 60 or older as described in Section 42-712.43;
  - .62 Having a disability as described in Section 42-712.44; or
  - .63 Having caretaking responsibilities that impair a recipient's ability to be regularly employed, as described in Sections 42-712.45 and .46.
  - .64 Being responsible for personally providing care to a child or children of a specific age, as described in Section 42-712.474. This paragraph is effective July 28, 2009 and shall become inoperative on January 1, 2013.

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<b>42-712</b>	<b>EXEMPTIONS FROM WELFARE-TO-WORK PARTICIPATION</b>	<b>42-712</b>
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- .65 Being a non-minor dependent as described in 42-712.13.
- .66 Being primarily responsible for personally providing care to one child from birth to 23 months, inclusive, as described in Section 42-712.475.
- .7 For an individual whose exemption ended on January 1, 2013, pursuant to Section 42-712.64, any month prior to the month in which the CWD reengaged the individual in the welfare-to-work program pursuant to Section 42-712.8 shall not be taken into consideration as a month of receipt of aid in computing the 48-month time limit described in Section 42-302.
- .8 Reengagement
  - .81 An individual whose exemption ended on January 1, 2013, pursuant to Section 42-712.474 is not required to participate in welfare-to-work activities until the CWD reengages him or her in the Welfare-to-Work Program.
  - .82 An individual is reengaged in welfare-to-work activities the first of the month following the date he or she signs a welfare-to-work plan pursuant to Section 42-711.63 and is provided supportive services, pursuant to Section 42-750.1.
  - .83 CWDs shall reengage all individuals whose exemptions ended on January 1, 2013, pursuant to Section 42-712.474 by January 1, 2015, unless the individual is eligible for another exemption.

NOTE: Authority cited: Sections 10553, 10554, 10604, and 11369, Welfare and Institutions Code. Reference: Sections 10553, 10554, 10063(b), 11253.3(a), 11253.5, 11320, 11320.3, 11320.3(g)(2), and (h)(1), (h)(2) and (h)(3), 11331.5(a), (b), (c), and (d), 11403, 11454, 11454.2, and 11454.5, Welfare and Institutions Code; and 42 U.S.C. 5044(f)(2).

<b>42-713</b>	<b>GOOD CAUSE FOR NOT PARTICIPATING</b>	<b>42-713</b>
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- .1 A recipient shall be excused from participation in welfare-to-work activities for good cause in accordance with Section 42-713.2, when the CWD determines there is a condition or other circumstance that temporarily prevents, or significantly impairs, the individual's ability to be regularly employed or to participate in welfare-to-work activities.
  - .11 The CWD shall review the continuing validity of the good cause determination as necessary, but at least every three months.
  - .12 The individual shall cooperate with the CWD and provide information, including written documentation, as required to complete the review.
- .2 Conditions that may be considered good cause for not participating in welfare-to-work activities include, but are not limited to, any of the following:
  - .21 Lack of necessary supportive services.
  - .22 The applicant or recipient is a victim of domestic abuse.
    - .221 CalWORKs Program requirements, including the time limit on receipt of assistance described in Section 42-302, and welfare-to-work requirements described in Section 42-711 may be waived, except as specified in Section 42-715.511, for an individual who is a victim of domestic abuse (as defined in Section 42-701.2(d)(3)) on a case-by-case basis, but only for as long as domestic abuse prevents the individual from obtaining employment or participating in welfare-to-work activities, in accordance with Section 42-715.
      - (a) The criteria for granting waivers shall include provisions that ensure:
        - (1) Applicants and recipients who are past or present victims of abuse are not placed at further risk or unfairly penalized by CalWORKs requirements and procedures;
        - (2) Program requirements are not created or applied in such a way as to encourage a victim to remain with the abuser; and
        - (3) Participation by CalWORKs recipients in welfare-to-work activities is encouraged, to the full extent of their abilities, including participation in counseling and treatment programs, as appropriate, to enable the recipient to obtain unsubsidized employment and move toward self-sufficiency.

**HANDBOOK CONTINUES**

(B)     The number of families that include an individual participating in an Indian tribal work program funded by a federal grant, regardless of whether the tribe operates its own TANF program.

.13     Reduction of Participation Rates Due to Caseload Reductions not Required by Federal Law

.131     The minimum participation rate required for a fiscal year shall be reduced by the same number of percentage points that the state's average monthly caseload has declined since 1995.

(a)     The reduction shall not reflect any caseload changes that resulted from either federal requirements or state changes in eligibility between the previous and current assistance programs.

.2     Engaged in Work

.21     For all families

A recipient is considered to be engaged in work for a month in the federal fiscal year if he/she is participating in work activities for at least the minimum average number of hours per week as specified in the following table. At least 20 hours per week of the minimum average number of hours per week of participation shall be attributable to an activity specified in Handbook Sections 42-714.3(a) through (i).

If the month is in FFY:	The minimum average number of hours per week is:
1997	20
1998	20
1999	25
2000 or thereafter	30

.22     Single parent or relative with child under age six

A single parent or caretaker relative in the family of a child who has not attained six years of age, is deemed to be engaged in work if he/she participates in work activities at least 20 hours per week during the month.

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**HANDBOOK CONTINUES**

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**HANDBOOK CONTINUES**

.23 For two-parent families

A family is considered to be engaged in work if the parents are participating as specified in either Section 42-714.231 or .232.

.231 For a total of at least 35 hours per week, with at least 30 hours spent in the activities specified in Handbook Sections 42-714.3(a) through (i).

.232 If the family receives federally-funded child care assistance and an adult in the family is not disabled or caring for a severely disabled child, then the parents must be participating for a total of at least 55 hours per week with at least 50 hours spent in the activities specified in Handbook Sections 42-714.3(a) through (i).

.3 Work Activities

(a) Unsubsidized employment;

(b) Subsidized employment that is performed in the private sector;

(c) Subsidized employment that is performed in the public sector;

(d) Work experience, if sufficient private sector employment is not available;

(e) On-the-job training;

(f) Job search and job readiness assistance;

(1) The amount of job search and job readiness assistance activities by any individual that counts toward meeting federal work participation requirements is limited to four consecutive weeks and six weeks total. (The six-week limit may be extended to 12 weeks if California's unemployment rate is at least 50 percent greater than the unemployment rate of the United States, or California is a "needy state" as defined in federal law.)

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**HANDBOOK CONTINUES**

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**42-715 DOMESTIC ABUSE PROTOCOLS AND TRAINING STANDARDS 42-715**  
(Continued)

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 11454, 11495, 11495.1, 11495.15, 11495.25 and 11495.40, Welfare and Institutions Code.

**42-716 WELFARE-TO-WORK ACTIVITIES 42-716**

.1 Upon the completion of job search activities, or a determination that those activities are not required as an initial activity, the participant shall be assigned to any of the following welfare-to-work activities as needed to obtain employment during the participant's Welfare-to-Work 24-Month Time Clock period as specified in Section 42-708.

- (a) Unsubsidized employment, as defined in Section 42-701.2(u)(2).
- (b) Subsidized employment, as defined in Section 42-701.2(s)(2) that is performed in the private sector.
- (c) Subsidized employment, as defined in Section 42-701.2(s)(2) that is performed in the public sector.
- (d) Work experience, as defined in Section 42-701.2(w)(3).

(1) Unpaid work experience shall be limited to 12 months, unless the CWD and the welfare-to-work participant agree to extend this period by an amendment to the welfare-to-work plan. The CWD shall review the work experience as appropriate.

(A) At the time of the assignment to the work experience activity, the CWD shall identify the job skill(s) to be developed or enhanced. The CWD shall review the work experience activity as necessary to determine the participant's progress toward reaching the training goal.

(B) Revisions to the welfare-to-work plan shall be made as necessary to ensure that the work experience assignment continues to be consistent with the participant's plan and is effective in preparing the participant to obtain employment.

(2) The maximum hours of participation in unpaid work experience shall be limited as follows:

**42-716** **WELFARE-TO-WORK ACTIVITIES** **42-716**  
(Continued)

- (A) Participants in work experience activities whose assistance units include food stamp recipients shall participate in these activities for no more than the number of hours each month, determined collectively for the assistance unit, equal to the CalWORKs assistance unit's grant plus the assistance unit's portion of the food stamp allotment divided by the higher of the state or federal minimum wage.
- (B) Participants in work experience activities whose assistance units do not include food stamp recipients shall participate in these activities for no more than the number of hours each month, determined collectively for the assistance unit, equal to the CalWORKs assistance unit's grant divided by the higher of the state or federal minimum wage.

(3) The monthly limit in Sections 42-716.1(d)(2)(A) and (B) shall be considered to have been met by participation in an average weekly number of hours determined by dividing the monthly amount by 4.33 (average number of weeks per month).

(e) On-the-job training (OJT), as defined in Section 42-701.2(o)(2).

(f) Grant-based OJT, as defined in Section 42-701.2(g)(2) and pursuant to Section 42-716.5.

(g) Supported work or transitional employment as defined in Section 42-701.2(s)(4), and pursuant to Section 42-716.5, except that only the grant or the grant savings can be diverted to the employer.

(h) Work study, as defined in Section 42-701.2(w)(5).

(i) Self-employment as defined in Section 42-701.2(s)(1).

(j) Community service as defined in Section 42-701.2(c)(5).

(1) At the time of the assignment to the community service activity, the CWD shall identify the job skill(s) to be developed or enhanced. The CWD shall review the community service activity as necessary to determine the participant's progress toward reaching the training goal.

- (A) Revisions to the welfare-to work plan shall be made as necessary to ensure that the community service assignment continues to be consistent with the participant's plan and is effective in preparing the participant to obtain employment.

**42-716 WELFARE-TO-WORK ACTIVITIES 42-716**  
(Continued)

(2) Hours of participation in unpaid community service shall be limited as follows:

(A) A participant in unpaid community service activities whose assistance unit includes food stamp recipients may participate in these activities for no more than the number of hours each month, determined collectively for the assistance unit, equal to the CalWORKs assistance unit's grant plus the assistance unit's portion of the food stamp allotment divided by the higher of the state or federal minimum wage. If all or a portion of the CalWORKs assistance unit's grant has been diverted to an employer pursuant to Sections 42-701.2(g)(2) and 42-716.1(f), only that portion, if any, received as a grant and the assistance unit's portion of the food stamp allotment shall be used in this calculation.

(B) A participant in unpaid community service activities whose assistance unit does not include food stamp recipients may participate in these activities for no more than the number of hours each month, determined collectively for the assistance unit, equal to the CalWORKs assistance unit's grant divided by the higher of the state or federal minimum wage. If all or a portion of the CalWORKs assistance unit's grant has been diverted to an employer pursuant to Sections 42-701.2(g)(2) and 42-716.1(f), only that portion, if any, received as a grant shall be used in this calculation.

(3) The monthly limit in Sections 42-716.1(j)(2)(A) and (B) shall be considered to have been met by participation in an average weekly number of hours determined by dividing the monthly amount by 4.33 (average number of weeks per month).

(4) Community service activities shall comply with the non-displacement provisions specified in Section 42-720.

(k) Adult basic education as defined in Section 42-701.2(a)(1).

(1) Participants shall be referred to appropriate service providers that include, but are not limited to, educational programs operated by school districts or county offices of education that have contracted with the superintendent of public instruction to provide services to the participant, pursuant to Section 33117.5 of the Education Code.

(l) Job skills training directly related to employment, as defined in Section 42-701.2(j)(2).

<b>42-716</b>	<b>WELFARE-TO-WORK ACTIVITIES</b> (Continued)	<b>42-716</b>
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- (m) Vocational education and training including, but not limited to, college and community college education, adult education, regional occupational centers, and regional occupational programs.
  - (1) Any child care provider job training that is funded by either the State Department of Education or the California Department of Social Services shall include information on becoming a licensed child care provider.
- (n) Job search and job readiness assistance as defined in Sections 42-701.2(j)(2) and (3).
- (o) Education directly related to employment.
- (p) Satisfactory progress in a secondary school or in a course of study leading to a certificate of general educational development, in the case of a recipient who has not completed secondary school or received such a certificate.
- (q) Mental health (see Section 42-716.4), substance abuse (see Section 42-716.5), and domestic abuse services (see Section 42-713.221) that are necessary to obtain and retain employment.
- (r) Other activities necessary to assist an individual in obtaining unsubsidized employment.
- (s) Participation required of the parent by the school to ensure the child's attendance, in accordance with Section 42-711.642(a).

.11 Assignment to an educational activity identified under Sections 42-716.1(k), (m), (o), and (p) is limited to those situations in which the education is needed to become employed.

.12 Every CWD shall provide an adequate range of the activities described in Section 42-716.1 to ensure each participant's access to needed activities and services to assist him or her in seeking employment, to provide education and training the participant needs to find self-supporting work, and to arrange for placement in paid or unpaid work settings that will enhance a participant's ability to obtain unsubsidized employment.

.2 Mental Health Treatment Services

The CWD shall make mental health treatment services available, when necessary, to enable participants to make the transition from welfare-to-work pursuant to the mental health assessment conducted under Section 42-711.56.

**42-716 WELFARE-TO-WORK ACTIVITIES 42-716**  
(Continued)

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**HANDBOOK BEGINS HERE**

- | .21 Subject to specific expenditure authority, mental health services available shall include all of the following elements:
  - | .211 An assessment for the purpose of identifying the level of the individual's mental health needs and the appropriate level of treatment and rehabilitation for the participant.
  - | .212 Case management, as appropriate, as determined by the CWD.
  - | .213 Treatment and rehabilitation services that shall include counseling, as necessary to overcome mental health barriers to employment and mental health barriers to retaining employment, in coordination with an individual's welfare-to-work plan.
  - | .214 In cases where a secondary diagnosis of substance abuse is made in a person referred for mental or emotional disorders, the welfare-to-work plan shall also address the substance abuse treatment needs of the participant. [See Section 42-716.5.]
  - | .215 A process by which the CWD can identify those individuals with severe mental disabilities that may qualify them for aid under Chapter 3 (commencing with Section 12000). [The State Supplementary Program for Aged, Blind, and Disabled]

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- | .3 Substance Abuse Treatment Services
  - | .31 The CWD shall provide, in conjunction with the county alcohol and drug program or a state-licensed or certified nonprofit agency under contract with the county alcohol and drug program, substance abuse treatment services which shall include evaluation, treatment, employment counseling, provision of community service jobs, or other appropriate services.
    - | .311 If, based on the evaluation required in Section 42-711.57, a participant is determined to have a substance abuse problem, the CWD shall offer the individual two opportunities to receive substance abuse treatment. At its option, the CWD may offer the individual additional treatment opportunities.

**HANDBOOK BEGINS HERE**

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- .312 When an individual is determined to have a substance abuse problem, based on an evaluation by the county alcohol and drug program or a state-licensed or certified nonprofit agency, the case manager shall develop the participant's welfare-to-work plan based on the results of that evaluation. In such a case, the individual's welfare-to-work plan may include appropriate treatment requirements, including assignment to a substance abuse program.
  
- .313 When a participant's welfare-to-work plan includes assignment to a treatment program, the case manager may determine that the participant is out of compliance with the welfare-to-work plan if, at any time in consultation with the substance abuse treatment provider, the county determines that the participant has failed or refused to participate in a treatment program without good cause. The assigned treatment program shall be reasonably accessible within the county of residence or a nearby county.
  
- .314 When a case manager determines that a participant in a treatment program as specified in his or her welfare-to-work plan is out of compliance with a program requirement other than participation in a required treatment program, the determination of whether the participant has good cause to be out of compliance shall include consideration of whether the participant's substance abuse problem caused or substantially contributed to the failure to comply with the program requirements. In this determination, the county must consult the substance abuse treatment provider as appropriate.
  
- .315 No recipient may participate in a substance abuse treatment program for longer than six months without concurrently participating in a welfare-to-work activity, to be determined by the county and the recipient, in consultation with the treatment provider.
  - (a) If the recipient is in a state-licensed residential facility or a certified nonresidential substance abuse program that requires him or her to stay at the program site for a minimum of three hours a day, three days per week, or otherwise not to participate in nonprogram activities, the requirements of the treatment program shall fulfill the recipient's welfare-to-work activity requirement.
  
- .32 Each county shall report annually to the state the number of CalWORKs Program recipients who receive substance abuse treatment and the extent to which the allocation is sufficient to meet the need for substance abuse services as determined by the county.

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**42-716 WELFARE-TO-WORK ACTIVITIES** **42-716**  
(Continued)

| .4 Job Openings

| .41 The employer or sponsor of an employment or training position specified in Section 42-716.1 shall assist and encourage qualified participants to apply for job openings in the sponsor's organization.

| .42 Participants assigned to public agencies shall be allowed to compete in classified service examinations equivalent to the positions they occupy, and all open and promotional examinations for which experience in the job or other relevant experience qualifies under merit system rules.

| .43 A participant's time worked in a position shall apply toward seniority in a merit public agency position, only to the extent permitted under federal or state law, local ordinance, or collective bargaining agreement.

| .5 Grant-based OJT

| .51 The CWD shall assign a recipient to a grant-based OJT funded position only if the individual voluntarily consents in writing to the diversion of her/his grant to an employer as a wage subsidy following a one-on-one meeting in which the consent form and assignment are reviewed and discussed with the individual. The written consent shall include, but is not limited to, the following:

| .511 A statement that the recipient's assignment to grant-based OJT is voluntary and the CWD shall take no action against the individual for refusing to agree to be assigned to a grant-based OJT funded position.

| .512 Notification that the participant is subject to sanction pursuant to Section 42-721, if she/he fails to comply with the requirements of the grant-based OJT assignment without good cause.

| .513 A statement that the participant's net income from grant-based OJT may be less than the participant's current grant payment.

| .514 The worksite(s) and job duties, the duration of the grant-based OJT assignment, hours of employment, hourly wage, and any available benefits.

| .515 The good cause criteria specified in Sections 42-713 and 42-721.3.

| .516 An agreement by the participant acknowledging the participant's obligation to return to the CWD any recovered wages up to the amount of the corrective underpayment paid pursuant to Section 42-716.542.

<b>42-716</b>	<b>WELFARE-TO-WORK ACTIVITIES</b> (Continued)	<b>42-716</b>
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- | .52 The CWD shall provide grant-based OJT funded community service positions only if the community service component of the county CalWORKs plan specifies the process by which the CWD will comply with the voluntary consent requirement and lists the languages, other than English, in which written consent will be obtained.
  
- | .53 The participant's diverted cash grant and grant savings shall be used by the employer for the sole purpose of subsidizing the participant's wages.
  - | .531 Any portion of a participant's wage that is funded by the diversion of the recipient's cash grant and/or grant savings to the employer shall not be entitled to the income disregards specified in Section 44-111.23.
  
  - | .532 Any portion of the grant-based OJT participant's wages that are not derived from the participant's diverted grant and/or grant savings shall be subject to the income disregards specified in Section 44-111.23, however, the resulting grant and grant savings may be diverted to the employer.
  
  - | .533 Nothing in this Section 42-716.53 shall preclude an employer from using its own funds to pay a portion of the participant's wages.
  
- | .54 The CWD shall administer grant-based-OJT funded positions in a manner that minimizes any break in income received by the participant as a grant, or as a wage subsidized by the diverted grant and/or grant savings upon entry into, during, or upon exit from the assignment.
  - | (SAR) .541 A grant-based OJT placement may begin mid-period.
  
  - | .542 When there is any break in income for a grant-based OJT participant caused by an employer's conduct or the participant's inability or failure to work her/his scheduled hours with or without cause, the CWD shall ensure that a recipient receives 100 percent of the maximum aid grant payment for which she/he is otherwise eligible, less the gross amount of the grant-based wages and any other non-exempt income received by the participant. The payment shall be made as a corrective underpayment within five calendar days of the participant notifying the CWD, or within two calendar days of CWD notification if the participant has an eviction Notice or a Notice to Pay Rent or Quit.
    - (a) If the participant's total gross wages paid in a month are less than the total amount of the diverted grant for that month, a corrective underpayment shall be issued in accordance with Section 44-340. This corrective underpayment shall be equal to the difference between the amount of the gross wages paid to the recipient and the amount of the grant diverted for the month.

**42-716 WELFARE-TO-WORK ACTIVITIES** **42-716**  
(Continued)

- (1) The participant shall return to the CWD the amount of unpaid wages that are recovered from the employer and for which the CWD issued a corrective underpayment. Any such recovered wages not returned by the participant to the CWD shall be treated as an overpayment.
  - (b) The CWD shall collect from the employer any amount of the grant and/or grant savings diverted to the employer that was not paid as wages to the recipient.
- .55 Wages derived from the diverted grant and/or grant savings and paid to a participant pursuant to this section shall not be considered as income in any determination of financial eligibility for the CalWORKs program.
- .56 The CWD shall not place grant-based OJT participants with an employer unless the employer agrees, at a minimum, to all of the following:
- .561 To use the diverted grant solely for subsidizing the participant's wage and to return to the CWD any of the grant and/or grant savings received that are not paid as wages to the participant.
  - .562 Not to displace current employees with grant-based OJT participants pursuant to Section 42-720.1.
  - .563 To comply with the labor union and employee notification requirements specified in Section 42-720.3.
  - .564 To comply with all applicable federal and state labor laws and regulations.
  - .565 That the employer's participation in grant-based-OJT funded job placements may be cancelled pursuant to Section 42-716.571.
- .57 The CWD shall monitor the retention of participants as employees by employers participating in grant-based OJT.
- .571 The CWD shall cancel participation of employers who demonstrate, over a period of time, either of the following:
- (a) An unwillingness to hire recipients who participated in grant-based OJT with such employers.
  - (b) An inability to provide the participant with the job skills to obtain unsubsidized employment with other employers.

**42-716 WELFARE-TO-WORK ACTIVITIES** **42-716**  
(Continued)

- .572 The CWD shall collect and maintain such records as are necessary to verify participating employer's retention of participants or subsequent unsubsidized employment with other employers.
- .58 Any participant in a grant-based OJT-funded position, who fails or refuses to comply with program requirements without good cause shall be sanctioned in accordance with Section 42-721.4.
- .6 Education Activities
  - .61 An individual assigned to participate in adult basic education, job skills training directly related to employment, vocational education and training, satisfactory progress in a secondary school or in a course of study leading to a certificate of general educational development, and education directly related to employment, as described in Sections 42-716.1(k), (l), (m), (o), and/or (p) respectively, may also be assigned supervised or unsupervised homework time as part of his or her welfare-to-work plan.
    - .611 Hours spent in supervised homework time and up to one hour of unsupervised homework time for each hour of class time may be assigned as participation in the assigned activity in the individual's welfare-to-work plan.
    - .612 Total homework time counted as participation must not exceed the hours required or advised by the education program.
  - .62 An individual assigned to participate in adult basic education, job skills training directly related to employment, vocational education and training, satisfactory progress in a secondary school or in a course of study leading to a certificate of general educational development, and education directly related to employment, as described in Sections 42-716.1(k), (l), (m), (o), and/or (p) respectively, or participating in a Self-Initiated Program as described in Section 42-711.54, may elect to participate in distance learning for some or all of his or her classroom hours.
    - .621 Distance learning activities are subject to satisfactory participation standards as described in Section 42-711.8. No additional satisfactory participation standards may be required of participants in distance learning activities.

**42-716 WELFARE-TO-WORK ACTIVITIES** **42-716**  
(Continued)

- .7 Assembly Bill (AB) 98 Subsidized Employment
  - .71 AB 98 subsidized employment shall be used to place participants in subsidized private sector or subsidized public sector subsidized employment as indicated in Sections 42-716.1(b) and 42-716.1(c).
    - .711 To ensure cost neutrality to the state budget, AB 98 subsidized employment shall not be used to place participants in the following types of subsidized employment due to funding requirements:
      - (a) Grant-based on-the-job training as indicated in Section 42-716.1(f) and pursuant to Section 42-716.5.
      - (b) Supported work or transitional employment as defined in Section 42-701.2(s)(4), and pursuant to Section 42-716.5.
      - (c) Work study as indicated in Section 42-716.1(h).
  - .72 Eligibility for entry into AB 98 subsidized employment under this section shall be limited to individuals who are not otherwise employed at the time of entry into the subsidized employment, and who meet one of the following criteria:
    - .721 Aided CalWORKs recipients participating in the welfare-to-work Program.
      - (a) These individuals may continue to participate in a county's AB 98 subsidized employment program if the family becomes ineligible for CalWORKs aid due to AB 98 subsidized employment income.
    - .722 Individuals in welfare-to-work sanction status as described in Section 42-721 who will cure their sanctions through AB 98 subsidized employment participation.
      - (a) AB 98 participants who cure their sanctions through AB 98 subsidized employment must maintain compliance with welfare-to-work requirements to continue in an AB 98 subsidized employment position.

**42-716 WELFARE-TO-WORK ACTIVITIES 42-716**  
(Continued)

- .723 Individuals who have exceeded CalWORKs time limits and are receiving Safety Net benefits for their eligible children as defined in Section 42-302.1.
  - (a) These individuals may continue to participate in a county's AB 98 subsidized employment program if the family becomes ineligible for CalWORKs Safety Net benefits due to AB 98 subsidized employment income.
- .73 AB 98 wage subsidies are limited to a maximum of six months for each participant.
- .731 Upon entry into AB 98 subsidized employment, a Welfare-to-Work client shall participate in an AB 98 subsidized employment placement for no longer than six months.
  - (a) In order to mutually benefit the employer and the participant, AB 98 subsidized employment placements can be extended up to six additional months for up to a total of 12 months.
- .74 If provided for in a county plan, the county may provide welfare-to-work services to former recipients whose families become ineligible for CalWORKs due to AB 98 subsidized employment income.
- .741 The county may provide these services for up to the first 12 months of employment, to the extent they are not available from other sources and are needed for the individual to retain the subsidized employment.

NOTE: Authority cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code. Reference: Sections 11253.5(b), 11265.1, 11265.2, 11320.3(b)(2), 11322.6, 11322.61, 11322.63, 11322.7, 11322.8, 11322.9, 11323.25, 11324.4, 11324.6(a), 11325.21(a) and (d)(1), 11325.22(b)(1), 11325.7(a), (c), and (d), 11325.8(a), (c), (d), and (f), 11326, 11327.5, 11450.5, 11451.5, 11454, and 11454.2, Welfare and Institutions Code; and Section 8358(c)(2), Education Code; 7 U.S.C. 2029(a)(1); 7 U.S.C. 2035; U.S. Department of Labor guidance on FLSA, with attached U.S.D.A., Food and Nutrition Service (FNS) guidance on an SFSP, dated May 22, 1997; Simplified Food Stamp Program approval letters from FNS to implement the provisions of an SFSP, dated May 5, 2000 and August 3, 2000.

**42-717 JOB RETENTION SERVICES 42-717**

- .1 If provided in the county plan, the CWD may provide job retention services to employed former CalWORKs recipients for a period of up to 12 months. The purpose of job retention services is to assist former recipients to retain employment or to obtain a better job.
  - .11 The period of up to 12 months begins on the earlier of the following dates, but in no event later than one year after the former recipient's aid is discontinued.
    - .111 The date that the former recipient's aid is discontinued, if the former recipient is employed at that time.

**42-720** **NONDISPLACEMENT PROTECTION IN WORK ACTIVITIES** **42-720**

.1 Displacement Provisions

Except as specified in Section 42-720.3, an education, employment, or training program position specified in Sections 42-716.1(a) through (l), or under any county pilot project, may not be created as a result of, or may not result in, any of the following:

- .11 Displacement or partial displacement of current employees including, but not limited to, a reduction in hours of nonovertime and overtime work, wages, or employment benefits.
- .12 The filling of positions that would be promotional opportunities for current employees, unless such promotions are routinely filled through an open process in which recipients are provided an opportunity to compete for the job.
- .13 The filling of a position prior to compliance with applicable personnel procedures or provisions of collective bargaining agreements.
- .14 The filling of established unfilled public agency positions, unless the positions are unfunded in a public agency budget.
- .15 The filling of a position created by termination, layoff, or reduction in work force, caused by the employer's intent to fill the position with a subsidized position.
- .16 A strike, lockout, or other bona fide labor dispute, or violation of any existing collective bargaining agreement between employees and employers.
- .17 The filling of a work assignment customarily performed by a worker in a job classification covered by a collective bargaining agreement in that specific worksite, or the filling of a work assignment in any bargaining unit in which funded positions are vacant or in which regular employees are on layoff.
- .18 The termination of a contract for services, before its expiration date, that displaces or partially displaces workers performing contracted services and which is caused by the employer's intent to fill the vacancy with a subsidized welfare-to-work participant.
- .19 The denial to a participant or employee of protections provided other workers on the worksite under state and federal workplace health, safety, and representation laws.

.2 Sections 42-720.12, 42-720.14, and 42-720.17 shall not apply to unsubsidized employment placements.

<b>42-720</b>	<b>NONDISPLACEMENT PROTECTION IN WORK ACTIVITIES</b>	<b>42-720</b>
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.3 Notification of labor unions and non-union employees of the use of CalWORKs recipients.

.31 The CWD shall notify or ensure that an employment or training provider notifies:

.311 The appropriate labor union of the use of a CalWORKs recipient assigned to a welfare-to-work employment or training activity described in Section 42-716.1 or any position created under a county pilot project, in any location or work activity controlled by an employer and covered by a collective bargaining agreement between the employer and a union; or

.312 Non-union employees of the use of CalWORKs welfare-to-work participants and the availability of the grievance process described in Section 42-720.4.

(a) Display of a poster shall satisfy this requirement.

(1) The poster required by Section 42-720.312(a) shall not identify any welfare-to-work participant.

.4 Employee Displacement Grievance Process

The following grievance process shall be used to resolve the complaints of regular employees or their representatives who believe assignment of a welfare-to-work participant to community service, work experience, on-the-job training (OJT), or any activity funded by grant-based OJT training violates any of the displacement provisions contained in Section 42-720.1, as applicable. All displacement complaints shall be in written form and shall include the full name, address (if any), and telephone number (if any) of the alleged displaced employee, the full name and address of the employer against whom the complaint is being filed, a clear and concise statement of the facts concerning the alleged displacement, including pertinent dates, and a statement that the complaint has been signed under penalty of perjury.

.41 Informal Resolution

.411 Upon receipt of a written complaint by the employee or employee's representative, the CWD shall contact both the complainant and affected employer and attempt to informally resolve the complaint.

<b>42-721</b>	<b>NONCOMPLIANCE WITH PROGRAM REQUIREMENTS</b>	<b>42-721</b>
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(Continued)

- .313 The employment, offer of employment, activity, or other training for employment is remote from the individual's home because either:
  - (a) The round-trip travel time required exceeds a total of two hours, exclusive of the time necessary to transport family members to a school or place providing care, or
  - (b) Walking is the only available means of transportation and the round-trip is more than two miles, exclusive of the mileage necessary to accompany family members to a school or a place providing care.
  - (c) An individual who fails or refuses to comply with the program requirements based on the remoteness of the employment, offer of employment, activity, or other training for employment shall be required to participate in community service activities as defined in Section 42-701.2(c)(5), and in accordance with Section 42-716.1(j)(2).
  
- .314 The employment, offer of employment, activity, or other training for employment involves conditions that are in violation of applicable health and safety standards.
  
- .315 The employment, offer of employment, or work activity does not provide for worker's compensation insurance.
  
- .316 Accepting the employment or work activity would cause an interruption to an approved education or job training program in progress. For purposes of this section, an education or job training program includes all welfare-to-work activities described in Section 42-716, except work experience or community service assignment.
  - (a) The approved education or job training program in progress must lead to employment and sufficient income to be self-supporting.
  - (b) If the hours of participation in the approved education or job training program in progress are less than the hours required as a condition of eligibility for aid, the CWD may require the individual to engage in welfare-to-work activities to the extent necessary to meet the required hours of participation.
  
- .317 Accepting the employment, offer of employment, or work activity would cause the individual to violate the terms of his or her union membership.

**42-721 NONCOMPLIANCE WITH PROGRAM REQUIREMENTS 42-721**  
(Continued)

- .32 In determining whether good cause exists for a refusal or failure to comply with program requirements, the CWD shall take into consideration whether the participant has a mental disability that caused or substantially contributed to the refusal or failure to comply with program requirements. This determination shall be made, where appropriate, in consultation with the county mental health department.
- .33 An individual shall have good cause for not participating in welfare-to-work activities if he or she meets the criteria described in Section 42-713.

.4 Sanctions

- .41 Financial sanctions shall be applied when a non-exempt welfare-to-work participant has failed or refused to comply with program requirements without good cause and compliance efforts have failed.
  - .411 Any month in which an individual is under sanction and removed from the assistance unit shall not be counted as a month of receipt of aid in determining the 48-month time limit in accordance with Section 42-302.115.
- (SAR) .412 A financial sanction is a county-initiated mid-period change pursuant to Section 44-316.331(b)(SAR).

.42 The sanctions shall not apply in the following circumstances:

- .421 To an individual who is exempt from the welfare-to-work requirements and is voluntarily participating in the Welfare-to-Work Program. If an exempt volunteer engages in conduct that would bring about the sanction procedures described below but for his or her status as a volunteer, the individual shall not be given priority over other participants actively seeking to participate.
- .422 Except as specified in paragraph (a), an individual who chooses to include more participation hours in his or her welfare-to-work plan than is required pursuant to Section 42-711.4, shall not be subject to a sanction if the number of hours he or she completes in a week is at least the number of hours required in Section 42-711.4.
  - (a) Section 42-721.422 does not apply to individuals who fail to continue employment, or continue employment at the same level of earnings, pursuant to Sections 42-721.222 and .223 respectively without good cause.

<b>42-721</b>	<b>NONCOMPLIANCE WITH PROGRAM REQUIREMENTS (Continued)</b>	<b>42-721</b>
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Example A: Jennifer is the mother of a four year old son and lives with her husband, John, who is unaided due to his citizenship status. Jennifer is only required to participate for 20 hours each week to meet the minimum welfare-to-work participation hours as she has months remaining on her Welfare-to-Work 24-Month Time Clock. However, Jennifer wants to meet CalWORKs federal standards so that months are not counted toward her Welfare-to-Work 24-Month Time Clock. Therefore, Jennifer's welfare-to-work plan includes 20 hours of employment and 10 hours of job skills training directly related to employment.

In the week of April 14, Jennifer does not attend her job skills training directly related to employment activity, but she completes her employment hours. In this situation, Jennifer is not subject to a noncompliance process, regardless of the reason she did not attend her job skills training activity, because she met the minimum number of hours (20) that she is required to participate.

Example B: Robert is the father in a one-parent assistance unit made up of three children ages 8, 10 and 11 years old. Robert's welfare-to-work plan states he needs to work an average at least 30 hours per week, which he consistently performs in an unsubsidized employment job and he has months remaining on his Welfare-to-Work 24-Month Time Clock.

In the week of April 13<sup>th</sup>, Robert voluntarily decreases his hours worked to 25 hours per week without developing a new welfare-to-work plan and as a result is noncompliant and if he does not increase his number of hours worked to the amount required by his welfare-to-work plan, he will be subject to sanction.

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**42-721 NONCOMPLIANCE WITH PROGRAM REQUIREMENTS 42-721**  
(Continued)

- .43 Financial sanctions for failing or refusing to comply with program requirements without good cause shall result in a reduction in the family's grant by removing the noncomplying family member from the assistance unit until the noncomplying individual performs the activity(ies) he or she previously refused to perform; or if the activity that the noncomplying individual originally failed to perform is no longer available or appropriate, the county must specify another appropriate activity for the individual to perform.
- .44 The discontinuance from aid shall become effective on the first day of the first payment month that the sanctioned individual's needs are removed from aid following the CWD's timely and adequate notification (see Section 22-072.1), except as specified in Section 42-721.441.
- .441 If the recipient appeals the sanction through the state hearing process within the period of timely notification, no sanction shall be imposed until the hearing decision is reached.
- (a) If the CWD's action is sustained, the discontinuance shall be effective at the end of the payment month in which the state hearing decision is received.
- (1) If the CWD is unable to discontinue aid at the end of such month, aid shall be discontinued at the end of the following payment month.
- .45 In a two-parent assistance unit whose basis for deprivation is unemployment, the sanctioned parent shall be removed from the assistance unit.
- .451 If the sanctioned parent's spouse or the assistance unit's second parent is not participating in the program, except as provided in Section 42-721.453, both the sanctioned parent and the spouse or second parent shall be removed from the assistance unit.
- .452 The CWD shall notify the spouse of the noncomplying participant or second parent in writing at the commencement of the compliance procedures of his or her own opportunity to participate and the impact on sanctions of that participation.

<b>42-721</b>	<b>NONCOMPLIANCE WITH PROGRAM REQUIREMENTS</b>	<b>42-721</b>
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(Continued)

- .453 For purposes of this section, if a spouse or second parent is participating to avoid the sanction of the noncomplying parent, the exemption criteria for care of an ill or incapacitated member of the household pursuant to Section 42-712.46, or the care of a young child pursuant to Section 42-712.47 do not apply. Any other exemption or good cause criteria, as described in Sections 42-712 and 42-713 and compliance procedures described in Section 42-721, shall apply to the sanctioned parent's spouse or the family's second parent.
  
- .454 A spouse or second parent who chooses to participate to avoid the noncomplying parent's sanction, and subsequently ceases participation without good cause and fails or refuses to agree to or fulfill the terms of a compliance plan without good cause, shall be removed from the assistance unit in accordance with Section 42-721.43.
  
- .455 If the sanctioned parent's spouse or the second parent is under his or her own sanction at the time of the first parent's sanction, the spouse or second parent shall not be provided the opportunity to avoid the first parent's sanction until the spouse or second parent's sanction is completed.
  
- .46 For families that qualify due to the absence or incapacity of a parent, only the noncomplying parent shall be removed from the assistance unit, and aid shall be continued to the remainder of the family.
  
- .461 The CWD shall arrange for a protective payee in accordance with Section 44-309.
  
- .47 If the noncomplying individual is a dependent child, his or her needs shall not be taken into account in determining the family's need for assistance and the amount of the assistance payment.
  
- .48 The CWD shall restore aid:
  - .481 On the first day of the month following the date that the individual contacted the county to indicate his or her desire to end the sanction after all of the following conditions are met:
    - (a) The activities in accordance with Section 42-721.43 have been successfully completed.
    - (b) The individual is determined to be in compliance with program requirements, and is otherwise eligible.

If the individual completes the activity after the first of the month following the date of the request to end the sanction, the county shall issue a supplemental payment, retroactive to the first of the month following the date of the request to end the sanction; or

<b>42-721</b>	<b>NONCOMPLIANCE WITH PROGRAM REQUIREMENTS</b>	<b>42-721</b>
	(Continued)	

.5 State Hearing and Formal Grievance

.51 Except as specified in Section 42-721.512(b), .512(c), or .512(d), when a participant believes that any program requirement or assignment is in violation of, or inconsistent with, state law and regulations governing the Welfare-to-Work Program, the CWD shall inform him/her of the right either to request a state hearing or to file a formal grievance based on the procedures established by the county board of supervisors.

.511 State Hearing

- (a) The CWD shall inform the individual of his/her right to file an appeal through the state hearing process as an alternative to the formal grievance procedures.
- (b) Procedures for a state hearing are specified in MPP Division 22.
- (c) With the exception of welfare-to-work supportive services (see Section 42-750.213), aid will continue if the individual appeals through the state hearing process within the period of timely notification (see Section 42-721.441).
- (d) If a welfare-to-work participant or other affected party is dissatisfied with a state hearing decision involving on-the-job working conditions or workers' compensation coverage, the party may appeal the decision to the appropriate state regulating agency.
  - (1) A copy of the written decision shall be issued to all affected parties and shall identify the right to appeal. The decision shall also provide the address and instructions for filing an appeal.
    - (A) The instructions shall include the requirement that the appeal be filed within 20 calendar days following receipt of the written decision.
- (e) The participant shall be permitted to request a state hearing to appeal the outcome of a formal grievance.

<b>42-721</b>	<b>NONCOMPLIANCE WITH PROGRAM REQUIREMENTS</b>	<b>42-721</b>
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(Continued)

.512 Formal Grievance Procedures

- (a) The procedures for a formal grievance established by the county board of supervisors and the duration of these procedures shall be specified in the county plan.
- (b) The sole issue for resolution through a formal grievance shall be whether a program requirement or assignment is in violation of the welfare-to-work plan or inconsistent with Chapter 42-700.
- (c) The participant shall not be permitted to use the formal grievance to appeal the outcome of a state hearing or the results of an assessment made according to Section 42-711.55.
- (d) The formal grievance shall not be available to a noncomplying individual who has already failed to successfully conciliate in accordance with Section 42-721.2. Under those circumstances, the applicant or recipient may request a state hearing to appeal a program requirement or assignment.
- (e) The individual shall be subject to sanction pending the outcome of the formal grievance or any subsequent appeal only if he/she fails to participate during the period the grievance procedure
  - (1) This information shall be provided to an individual when he or she requests information about the procedure for filing a formal grievance.

.513 The CWD shall address any complaints of discrimination based on race, color, national origin, religion, political affiliation, marital status, sex, age, or handicap which may arise through an applicant's/recipient's participation in Welfare-to-Work in accordance with the provisions of MPP Division 21 - Nondiscrimination in State and Federally Assisted Programs.

NOTE: Authority cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code. Reference: Sections 11203, 11265.2, 11320, 11320.3, 11320.31, 11322.85, 11322.9, 11324.8(d), 11327.4, 11327.5(a) through (e), 11327.6, 11327.8, 11327.9, 11328.2, 11333.7, 11454, 11454.2, and 16501.1(d), (e), (f), and (g), Welfare and Institutions Code.

<b>42-722</b>	<b>LEARNING DISABILITIES PROTOCOLS AND STANDARDS</b>	<b>42-722</b>
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(Continued)

.541 Counties must obtain the participant's written consent to share this information with individuals or organizations outside of the county welfare department.

.6 Learning Disabilities Participation Requirements

.61 Unless exempt pursuant to Section 42-712, an individual with a learning disability must participate for the required number of hours as specified in Sections 42-711.41.

.611 For the purposes of Section 42-722.61, required hours may include participation in supplemental activities that are supportive of the participant's employment goals and consistent with the learning disabilities evaluation and welfare-to-work plan.

(a) These activities may include, but are not limited to, adult basic education, literacy tutoring, and, if allowable under the county's CalWORKs plan or as a reasonable accommodation, study time for participants who are in educational programs that are not self-initiated.

.7 Identifying Participants With Learning Disabilities During Good Cause Determination, Compliance Process and/ or Stopping of a Welfare-to-Work Sanction

.71 If a learning disability is confirmed through an evaluation during a participant's good cause determination or compliance process, the county must determine if the disability contributed to the participant's failure to participate.

.72 If it is determined that the learning disability diminished the participant's ability to participate:

.721 The participant shall be considered to have good cause for his/her failure to participate in accordance with Section 42-713 or, if appropriate, be exempt from welfare-to-work requirements in accordance with Section 42-712;

.722 The participant shall not be considered to have an instance of noncompliance in accordance with Section 42-721.43; and

.723 As necessary, the county shall also review the welfare-to-work activity and/or welfare-to-work plan and modify it in accordance with Section 42-722.532(c).

<b>42-722</b>	<b>LEARNING DISABILITIES PROTOCOLS AND STANDARDS</b>	<b>42-722</b>
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(Continued)

.73 If a learning disability is confirmed through an evaluation for an individual who is attempting to stop his/her welfare-to-work sanction, the county will determine whether the learning disability was a contributing factor to his/her noncompliance.

.731 If the learning disability was a contributing factor to the individual's noncompliance:

- (a) The county will rescind the sanction and the participant shall not be considered to have an instance of noncompliance in accordance with Section 42-721.43; and
- (b) The county will give the individual the choice of:
  - (1) receiving retroactive cash aid payments for the months the individual was improperly sanctioned; or
  - (2) prospectively resuming receipt of cash aid and welfare-to-work services, effective the date the participant is determined to be no longer sanctioned.
- (c) If the individual chooses to receive aid for the rescinded sanction period, in accordance with Section 42-722.731(b)(1), all months in that period will be counted against the 60-month time limit.
- (d) As necessary, the county will review the welfare-to-work activity and/or welfare-to-work plan and modify it in accordance with Sections 42-722.532(c).

.74 If the county cannot determine from the evaluation report if the disability contributed to the participant's failure to participate, the county must consult with the learning disabilities evaluator or another learning disabilities specialist to make the determination.

.75 If the learning disability was not a contributing factor to noncompliance, the county shall continue the sanctioning process in accordance with Section 42-721.4.

| .8 Inter-County Transfers of Individuals With Learning Disabilities

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<b>Regulations</b>	<b>NONLINKING FACTORS OF PUBLIC ASSISTANCE ELIGIBILITY WELFARE-TO-WORK</b>	<b>42-731</b>
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<b>42-722</b>	<b>LEARNING DISABILITIES PROTOCOLS AND STANDARDS</b>	<b>42-722</b>
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(Continued)

- .81 If a welfare-to-work participant with an identified learning disability moves from one county to another:
  - .811 The first county must, with the participant's written permission, forward a copy of the written learning disabilities evaluation to the second county.
  - .812 The second county must develop a new, or modify the existing, welfare-to-work plan, as necessary, to reflect appropriate welfare-to-work activities and necessary reasonable accommodations based on the review of documents received, reevaluation of the original assessment, discussions between the county and the participant, and availability of resources.
  - .813 The participant shall not have good cause for failure to participate in the second county, based on the second county's failure to provide services and accommodations that are identified in the learning disabilities evaluation report as being necessary for the participant, when the participant refuses permission for the first county to forward the report.

Note: Authority Cited: Section 10553, Welfare and Institutions Code. Reference: Sections 10850, 11320.3(f), 11322.8, 11322.85, 11325.2(a), 11325.25, 11325.4, 11325.5, 11327.4, 11327.5, 11454, and 11454(a) and (b), Welfare and Institutions Code.

<b>42-730</b>	<b>GAIN JOB SEARCH, TRAINING, AND EDUCATION SERVICES</b>	<b>42-730</b>
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Repealed by Manual Letter No. EAS-98-03, effective 7/1/98.

<b>42-731</b>	<b>EMPLOYEE DISPLACEMENT GRIEVANCE PROCESS</b>	<b>42-731</b>
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Renumbered to Sections 42-720.4, .5, .6, and .7 by Manual Letter No. EAS-98-03, effective 7/1/98.

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**CHAPTER 42-800      WELFARE-TO-WORK REQUIREMENTS FOR REFUGEE CASH ASSISTANCE (RCA) PARTICIPANTS**

**42-800      WELFARE-TO-WORK REQUIREMENTS FOR RCA PARTICIPANTS: INTRODUCTION      42-800**

- .1 RCA eligibles who are residing in areas in which the county plan provides for their participation in the Welfare-to-Work Program shall be required, as a condition of eligibility, to participate in welfare-to-work activities.
- .2 All Chapter 42-700 regulations shall apply for purposes of Refugee Cash Assistance welfare-to-work participants, unless superseded by regulations contained in Sections 42-800 through 42-811.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 11320, and 11321.6(b) and (d), Welfare and Institutions Code.

**42-801      WELFARE-TO-WORK PARTICIPATION FOR RCA PARTICIPANTS      42-801**

- .1 The RCA eligible who meets the criteria in Sections 69-206.11 and 42-800.1 and who is not exempt under Section 69-208.4, shall participate, as a condition of eligibility.
- .2 If the individual fails or refuses to participate, the procedures in Sections 69-209 and 69-210 shall apply.
- .3 The CWD shall follow the procedures in Section 42-711 except that RCA welfare-to-work participants are not eligible for supportive services unless funded through sources other than CalWORKs.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 11320, and 11321.6(b) and (c), Welfare and Institutions Code.

**42-802      JOB, TRAINING, AND EDUCATION FOR RCA WELFARE-TO-WORK PARTICIPANTS      42-802**

- .1 Education Services
  - .11 RCA welfare-to-work participants may participate in college and community college educational programs provided it does not constitute full-time attendance as defined in Section 69-206.5 or is exempt under Section 69-206.52 or .53.
- .2 Work experience as described in Section 42-716.1(d).
  - .21 Repealed by Manual Letter No. EAS-98-03, effective 7/1/98.

**42-802    JOB, TRAINING, AND EDUCATION FOR RCA    42-802**  
**WELFARE-TO-WORK PARTICIPANTS**  
(Continued)

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code; Senate Bill 1041 (Chapter 47, Statutes of 2012). Reference: Sections 11320, 11321.6(b) and (d), 11322.6 and 11322.85, Welfare and Institutions Code; and 45 CFR 400.203.

**42-803    BASIC PARTICIPANT WELFARE-TO-WORK PLAN REQUIREMENTS    42-803**  
**FOR RCA WELFARE-TO-WORK PARTICIPANTS**

- .1 Self-initiated plans are allowable; however, an educational plan which includes full-time attendance in an institution of higher education, as defined in Section 69-206.5, shall not be allowed except as defined in Sections 69-206.52 or .53.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 11320 and 11321.6, Welfare and Institutions Code.

**42-804    DEVELOPMENT OF A WELFARE-TO-WORK PLAN FOR    42-804**  
**RCA PARTICIPANTS**

- .1 All RCA welfare-to-work participants shall cooperate with the CWD, or agency contracting with the CWD, to develop a mutually agreed upon welfare-to-work plan according to the requirements of Section 69-208.1.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 11320 and 11321.6, Welfare and Institutions Code; and 45 CFR 400.79.

**42-805    JOB SEARCH FOR RCA WELFARE-TO-WORK PARTICIPANTS    42-805**

- .1 Job search shall be conducted according to the requirements of Section 69-208.2.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 11320 and 11321.6, Welfare and Institutions Code; and 45 CFR 400.80.



**42-1008 PURCHASE OF SERVICE CONTRACTS** **42-1008**

- .1 Except where prohibited by CDSS regulations governing third-party contracts (MPP Chapter 23-600 Purchase of Service and Section 42-718.1), counties electing to implement the SRS Component to provide services for refugee applicants for, and recipients of, CalWORKs shall be permitted to use performance-based contracts to purchase such services.

NOTE: Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 10063, 10553, 10554, and 13280, Welfare and Institutions Code.

**42-1009 MANDATORY COMPONENTS FOR SRS PARTICIPANTS** **42-1009**

- .1 The SRS Component shall include the following four services and activities.
- .11 Any educational activity below the postsecondary level that the agency determines to be appropriate to the participant's employment goal. Such activities may be combined with training that the agency determines is needed in relation to the participant's employability plan. The educational activities that shall be made available include, but are not limited to:
- .111 High school education or education designed to prepare a person to qualify for a high school equivalency certificate;
- .112 Basic and remedial education that will provide an individual with a basic literacy level in accordance with Section 42-716.11.
- .113 Education in English proficiency for an individual who is not sufficiently competent to understand, speak, read, or write the English language to allow employment commensurate with his/her employment goal;
- .12 Job skills training, which includes vocational training for a participant in technical job skills and equivalent knowledge and abilities in a specific occupational area;
- .13 Job readiness activities that help prepare participants for work by assuring that participants are familiar with general workplace expectations and exhibit work behavior and attitudes necessary to compete successfully in the labor market; and

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**NONLINKING FACTORS OF PUBLIC ASSISTANCE ELIGIBILITY**  
**WELFARE-TO-WORK SRS COMPONENT**

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<b>Regulations</b>		<b>42-1011</b>
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**42-1009 MANDATORY COMPONENTS FOR SRS PARTICIPANTS 42-1009**  
(Continued)

- .14 Job development and job placement activity by the agency; e.g., soliciting a public or private employer's unsubsidized job opening or discovering such job openings, the marketing of participants, and securing job interviews for participants.

NOTE: Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code, and Senate Bill 1041 (Chapter 47, Statutes of 2012). Reference: Sections 11322.6, 11322.85 and 13280, Welfare and Institutions Code.

**42-1010 OPTIONAL COMPONENTS FOR SRS PARTICIPANTS 42-1010**

- .1 In addition to the mandatory components specified in Section 42-1009, the SRS Component shall include unsubsidized employment, job search, OJT and at least two of the other activities listed in Section 42-716.1:

- .11 Repealed by Manual Letter No. 98-03, effective 7/1/98.
- .12 Repealed by Manual Letter No. 98-03, effective 7/1/98.
- .13 Repealed by Manual Letter No. 98-03, effective 7/1/98.
- .14 Repealed by Manual Letter No. 98-03, effective 7/1/98.

NOTE: Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code, and Senate Bill 1041 (Chapter 47, Statutes of 2012). Reference: Sections 11322.6, 11322.7 and 11322.85, Welfare and Institutions Code.

**42-1011 CRITERIA FOR COMPONENT ASSIGNMENT OF TEENAGE PARENTS 42-1011**

- .1 Counties shall provide educational services for teenage parents as described in 45 CFR Part 250.32(a) in the SRS Component.

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- .2 Counties may use resources (non-CalWORKs) other than refugee funds to cover the costs of these services.

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NOTE: Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 11320 and 13280, Welfare and Institutions Code.

**42-1012 CASE MANAGEMENT FOR SRS COMPONENT PARTICIPANTS 42-1012**

- .1 Counties shall be permitted to designate an agency other than the CWD as the agency responsible for performing specific allowable case management tasks and/or activities.
- .2 Eligibility determinations for CalWORKs and all sanctioning activities shall be handled by the CWD staff.
- .3 Counties shall complete a 90-day follow-up for each participant who becomes employed, including those participants who become ineligible for CalWORKs as a result of such employment.

NOTE: Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 10063 and 13280, Welfare and Institutions Code; Notices of Availability of Federal Fiscal Year 1990 Targeted Assistance Funds (Federal Register/Vol. 55, No. 72, pages 13974 through 13979 Friday, April 13, 1990; and Federal Register/Vol. 55, No. 151/ pages 32022 through 32024 Monday, August 6, 1990).

<b>44-111</b>	<b>PAYMENTS EXCLUDED OR EXEMPT FROM CONSIDERATION AS INCOME</b>	<b>44-111</b>
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.1 The Exclusions and Exemptions and the Applicable Programs are Discussed Below

Federal and state statutes exclude or exempt certain types of payments or benefits in whole or in part from consideration as income. These exclusions and exemptions vary widely between programs. However, the federal statutes also provide that any income to an individual which is disregarded in determining his eligibility under the provisions of one categorical aid program, shall not be taken into consideration in determining the eligibility and/or the amount of assistance paid to a recipient receiving aid under another categorical aid program.

.2 Exemption of Earned Income

(See Section 44-101(e) for the definition of earned income.)

.21 Job Training Partnership Act (JTPA) - Earned Income of a Child

.211 All earnings of a child (see Section 42-101 for age requirement) which are derived from participation in JTPA programs shall be disregarded from consideration as income for both eligibility and grant determinations.

.212 Repealed by Manual Letter No. EAS-98-03, effective 7/1/98.

.22 Student Exemption

.221 All earned income of a child under 19 years old is exempt if:

- a. He/she is a full-time student, or
- b. He/she has a school schedule that is equal to at least one-half of a full-time curriculum, and he is not employed full time.

.222 For purposes of this exemption the following definitions apply:

- a. School attendance is defined as attendance in a school, college, university, or in a course of vocational or technical training designed to fit the child for gainful employment and includes a participant in the Job Corps program under the Economic Opportunity Act.
- b. Part-time employment is defined as less than 173 hours per month.

<b>44-111</b>	<b>PAYMENTS EXCLUDED OR EXEMPT FROM CONSIDERATION AS INCOME (Continued)</b>	<b>44-111</b>
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- .223 The student exemption applies to full- or part-time earnings between school terms or during vacation periods, if the child plans to continue to be a student next term or when the vacation period ends.
  
- .224 This exemption is applied:
  - a. For financial eligibility purposes, to the earnings of full-time student applicants and recipients and part-time student recipients. This exemption does not apply to earnings of a part-time student applicant. See Section 44-207.321.
  
  - b. For purposes of grant determination whether or not the student has received aid previously.
  
- .23 \$225/225 and 50% Disregards
  - .231 A family shall have \$225 of disability-based unearned income (DBI) and up to \$225 of any unused amount of the DBI disregard plus 50% of any remaining earned income disregarded as income. These disregards are applied as follows and subject to the method outlined in Section 44-113.2. If the disability-based unearned income is:
    - (a) Greater than \$225, the difference is added to any other nonexempt income.
  
    - (b) Less than \$225, up to \$225 of the remaining disregard is subtracted from any earned income.
  
    - (c) Zero, \$225 is applied against any earned income.
  
  - .232 Repealed by Manual Letter No. EAS-98-03, effective 7/1/98.
  
  - .233 Wages derived from a diverted grant and/or grant savings and paid to CalWORKs recipients who are participants in the grant-based OJT programs specified in Sections 42-716.1(f) and (g) shall not be eligible for the \$225 and 50 percent earned income disregard.
  
- .24 College Work Study Programs

Earned income from any college work study program is exempt. This exemption is applied for both eligibility and grant determination whether or not the student has received aid previously.

**44-111 PAYMENTS EXCLUDED OR EXEMPT FROM CONSIDERATION AS INCOME (Continued) 44-111**

- j. PL 101-201 and PL 101-239 which exempt payments received from all Agent Orange settlements.
- k. PL 101-426 which exempts payments received under the Radiation Exposure Compensation Act.
- l. PL 101-508 which exempts Earned Income Credit (EIC) payments.
- m. PL 103-286 which exempts payment received as restitution made to victims of Nazi persecution.
- n. Payments received from any federal, state, or local Adoption Assistance Program.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code; SB 72 (Chapter 8, Statutes of 2011), Section 42 and Senate Bill 1041 (Chapter 47, Statutes of 2012). Reference: Sections 10553, 10554, 11008.15, 11265.2, 11280, 11322.6, 11322.6(f)(3), 11322.85, 11157, 11450.5, 11450.12, 11451.5, and 11451.7, Welfare and Institutions Code; 42 USC Section 602(g)(1)(E)(i); Section 8, Public Law 93-134; Section 2, Public Law 98-64; Section 13736, Public Law 103-66; Section 1, Public Law 100-286, Section 202(a), Public Law 100-485 and 20 USC 1087uu; 45 CFR 233.20(a)(3)(iv)(B), (a)(3)(xxi), 45 CFR 233.20(a)(4)(ii); (a)(4)(ii)(d); 45 CFR 233.20(a)(4)(ii)(p) and (q); 45 CFR 233.20(a)(11)(v)(C); 45 CFR 255.3(f)(1); 45 CFR 400.66; 45 CFR 401.12; Federal Action Transmittals ACF-AT-94-27 and 94-4 and FSA-IM-89-1; 45 CFR 233.20(a)(1)(ii); 45 CFR 233.20(a)(3)(x); and Cadaret v. Wagner (Super. Ct. Sacramento County, 2011, No. 34-2009-80000302, Stipulation for Settlement and Order)

**44-113 NET INCOME 44-113**

.1 Property

Net income from property (including that from property in which a life estate is held), produce or business enterprises is determined by deducting from gross income all normal items of expenses incident to its receipt. Principal payments on encumbrances are not considered a necessary item of expense. If property is sold, the interest portion of any payment received is income.

Interpretation -- Net income from property, crops and livestock is computed as follows:

Source	Computation
a. Rental of real property including that in which life estate held.	Deduct from gross rental the following expenses incident to receipt: <ul style="list-style-type: none"> <li>1. Taxes and assessments.</li> </ul>

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2. Interest on encumbrance payments (do not deduct principal payments).
3. Insurance.
4. Utilities.
5. Upkeep and major repairs.

If a complete dwelling unit is rented the county after consultation with the recipient (a) deducts the amount actually expended each month for upkeep and repairs; or (b) deducts 15% of the gross monthly rental plus \$4.17 a month.

Note: The above expenses are prorated on the same periodic basis as the periodic basis on which the rental is received (i.e., annually, quarterly, monthly, etc.). Multiply rental income received weekly by 4-1/3 to get monthly income.

Note: Under the ordinary life estate agreement, the life tenant is entitled to the use and/or income from the property and is responsible for the usual costs of ownership such as taxes, insurance, upkeep, etc. However, if the life estate agreement stipulates the remainderman is responsible for certain expenses, such payments do not represent income to the life tenant.

b.	Rental of rooms and Room and Board	See Section 44-113.212 for computing self-employment net income.
c.	Sale of real property under contract of sale, title not passing.	The interest received is net income (principal payments represent conversion of property from real to personal property). Deduct any interest payments on prior encumbrances in determining net income from interest received from sale of real property under contract of sale.
d.	Personal property (rental of trucks, equipment, etc.)	Deduct from gross rental all expense necessary to maintenance, etc.
e.	Personal property (interest on money, stocks, bonds, etc.)	All interest received is net income, except interest on savings accounts as provided in W&IC 11009.