



CDSS

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Regulation Package # 0308-02

CDSS MANUAL LETTER NO. EAS 08-03

TO: HOLDERS OF THE ELIGIBILITY AND ASSISTANCE STANDARDS MANUAL

**Regulation Package # 0308-02**

**Effective 07/1/08**

**Sections 42-721, 42-780, 44-303, 44-307, 44-318 and 82-812**

This manual letter has been posted on the Office of Regulations Development website at <http://www.dss.cahwnet.gov/ord/PG1717.htm> .

Federal welfare reform enacted the TANF program through the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) in 1996, limiting cash aid to a family with an adult to a total of five years. The intent of the Welfare-to-Work program is to provide employment and training services to the maximum possible number of the adult CalWORKs population to aid them in achieving economic self-sufficiency within this time frame.

To further achieve this goal, the proposed regulations repeal durational sanctions and, instead, would allow an individual that has received a financial sanction due to an instance of noncompliance without good cause to terminate the sanction at any point. This would give more participants the opportunity to cure their sanction earlier and begin participating in Welfare-to-Work activities, which may help increase California's Work Participation Rate. The sanction will end if the noncomplying participant performs the activity or activities that he or she previously refused to perform. An individual may contact the county and request to cure his or her sanction without having to wait a minimum sanction period as previously required. Further, the proposed regulations modify the regulation on vouchers and vendor payments to eliminate a reference to durational sanctions, which were made obsolete by AB 1808, Section 29.3.

AB 1808 also amends Welfare & Institutions Code Section 10534 to require counties to submit a county plan addendum once every three years.

These regulations were adopted on an emergency basis and was considered at the Department's public hearing held on August 13, 2008.

## 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-08-02.

<u>Page(s)</u>	<u>Replace(s)</u>
272 through 277.1	Pages 272 through 277
278 through 279.2	Pages 278 through 279.2
326 and 327	Pages 326 and 327
463.1 and 464	Pages 464.1 and 464
469 and 469.1	Pages 469 and 469.1
496 through 497.1	Pages 496 through 497.1
911.1 through 911.4	Pages 911.1 through 911.4

Attachment

NH

<b>42-721</b>	<b>NONCOMPLIANCE WITH PROGRAM REQUIREMENTS</b> (Continued)	<b>42-721</b>
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- (e) The right of the individual to establish good cause over the telephone instead of attending the scheduled appointment.
  - (1) The notice shall include the telephone number.
- (f) The right of the individual to reschedule the appointment once within a period of 20 calendar days.
- (g) A description of the transportation and child care services available to the individual in order to attend the appointment.
- (h) A statement that if good cause is not found, a compliance plan will be developed and the individual will be expected to agree to the plan or face a sanction.
- (i) The name, telephone number, and address of state and local legal aid and welfare rights organizations that may assist the individual with the good cause and compliance plan process.
- (j) The steps the individual must take to have aid restored.

.24 Cause Determination

.241 The CWD shall schedule a cause determination appointment time within 20 calendar days of the notice of action during which each individual who has failed or refused to comply with program requirements has an opportunity to demonstrate that he or she has good cause for the refusal or failure.

.242 The individual shall be allowed to reschedule the cause determination appointment once within the 20-calendar-day period.

.25 If the individual fails to attend the appointment, the CWD shall attempt to contact the individual by telephone at the time of, or after, the appointment to establish a finding of good cause or no good cause. If a finding of no good cause is made, the CWD shall develop a compliance plan to correct the instance of nonparticipation.

.26 If the CWD is not able to contact the individual as described in Section 42-721.25, and the individual fails to contact the CWD within the 20-calendar-day period, the CWD shall impose a sanction.

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

- .27 The CWD shall rescind the notice of action if the individual attends the appointment or contacts the CWD by telephone within the 20-calendar-day period and the CWD makes either of the following two determinations:
  - .271 The individual had good cause for refusing or failing to comply, or
  - .272 The individual agrees to a compliance plan to correct the noncompliance.
    - (a) If the individual agrees to a compliance plan at the appointment, the individual shall be provided a copy of the plan. If the individual agrees to a compliance plan over the telephone, a copy of the plan shall be mailed to the client.
  
- .28 An instance of noncompliance shall not be considered to have occurred if either of the following occurs:
  - .281 The CWD determines that the individual had good cause for failing or refusing to comply.
  - .282 The individual did not have good cause for failing or refusing to comply, but agrees to a compliance plan and subsequently fulfills the terms of the compliance plan.
  
- .29 If the individual does not fulfill the terms of a written compliance plan agreed upon with the CWD and the CWD determines, based on available information, that the individual did not have good cause for failure to meet the terms of the plan, the CWD shall send a notice of action to impose a sanction. If a sanction is imposed under the terms of this paragraph, no further compliance procedures are applicable.
  
- .3 Good Cause for Failure or Refusal to Comply with Program Requirements
  - .31 No sanctions shall be applied for failure or refusal to comply with program requirements for reasons related to employment, an offer of employment, an activity, or other training for employment including, but not limited to, the following reasons:
    - .311 The employment, offer of employment, activity, or other training for employment discriminates in terms of age, sex, race, religion, national origin, or physical or mental disability.
    - .312 The employment or offer of employment exceeds the daily or weekly hours of work customary to the occupation.

<b>42-721</b>	<b>NONCOMPLIANCE WITH PROGRAM REQUIREMENTS</b>	<b>42-721</b>
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- .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.
- 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)(3), and in accordance with Section 42-716.31(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.

<b>42-721</b>	<b>NONCOMPLIANCE WITH PROGRAM REQUIREMENTS</b>	<b>42-721</b>
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- .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 60-month time limit in accordance with Section 42-302.115.
  - .412 Section 42-721.413(QR) shall become operative in a county on the date QR/PB becomes effective in that county, pursuant to the Director's QR/PB Declaration.
    - (QR) A financial sanction is a county-initiated mid-quarter change pursuant to Section 44-316.331(b)(QR).
- .42 The sanctions shall not apply 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.

<b>42-721</b>	<b>NONCOMPLIANCE WITH PROGRAM REQUIREMENTS</b>	<b>42-721</b>
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- .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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- .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 and the care of a child under six months of age (or age determined by the CWD) 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, once the activities in accordance with Section 42-721.43 have been successfully completed, if the individual is determined to be in compliance with program requirements, and is otherwise eligible; or
  - .482 If the sanction is rescinded as a result of the outcome of a state hearing or the formal grievance procedure established in accordance with Section 42-721.5.
  - .483 Section 42-721.483(QR) shall become operative in a county on the date QR/PB becomes effective in that county, pursuant to the Director's QR/PB Declaration.
  
- (QR) Restoration of aid due to the noncomplying participant performing the activities he or she previously refused to perform, in accordance with Sections 42-721.43 and 44-318.13(QR), is a county-initiated mid-quarter change pursuant to Section 44-316.331(c)(QR).

**42-721 NONCOMPLIANCE WITH PROGRAM REQUIREMENTS 42-721**  
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**HANDBOOK BEGINS HERE**

- (a) Example: An individual who was sanctioned for failing to attend orientation contacts the CWD on July 14 and indicates he wishes to end his sanction. The individual signs his curing plan on July 17, attends orientation on July 23 as required by his curing plan, and cures his sanction. On August 1, if the individual is otherwise eligible, his cash aid is restored.
- (b) Example: An individual contacts the CWD on July 14 and indicates she wishes to end her sanction. The individual signs her curing plan on July 17, which specifies that she must participate in two weeks of job search/job club beginning on July 23. She successfully competes job search/job club on August 5<sup>th</sup>, and ends her sanction. If the individual is otherwise eligible, her cash aid is restored back to August 1.

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.49 The CWD shall grant aid:

- .491 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, once the activities in accordance with Section 42-721.43 have been successfully completed, if the individual applies for aid, is determined to be in compliance with program requirements, and is otherwise eligible.

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**HANDBOOK BEGINS HERE**

- (a) Example: An individual who was sanctioned and left aid with his family after failing to participate in vocational educational contacts the CWD on July 1 to reapply for aid. His family is determined eligible for aid on July 5 and aid is granted for the sanctioned individual he must cure his sanction. The individual signs his curing plan on July 5, participates in a vocational education program for 30 days, and successfully cures his sanction on August 3. If the individual is otherwise eligible, his cash aid is granted back to August 1 as a county – initiated mid-quarter change pursuant to Section 11-316.331(c)QR).

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<b>42-721</b>	<b>NONCOMPLIANCE WITH PROGRAM REQUIREMENTS</b>	<b>42-721</b>
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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.

.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 is being processed.
  - (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, 11320.31, 11322.9, 11324.8(d), 11327.4, 11327.5(a) through (e), 11327.6, 11327.8, 11327.9, 11328.2, 11333.7, 11454, and 16501.1(d), (e), (f), and (g), Welfare and Institutions Code.

**42-722** **LEARNING DISABILITIES PROTOCOLS AND STANDARDS** **42-722**

- .1 CalWORKs Welfare-to-Work Learning Disabilities Screening Requirements
  - .11 Counties must offer CalWORKs welfare-to-work participants a screening for learning disabilities at the first welfare-to-work contact (i.e., orientation or appraisal) or by no later than the assessment as described in Section 42-711.55.
    - .111 The offer of the screening and evaluation must be both verbal and in writing.
  - .12 Counties are required to provide information about the screening, both verbally and in writing at the first welfare-to-work contact, including a description, of the purpose and benefits of the screening and evaluation.

<b>42-722</b>	<b>LEARNING DISABILITIES PROTOCOLS AND STANDARDS</b>	<b>42-722</b>
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- .121 Information that counties provide participants must include, but is not limited to, the following:
  - (a) Most people with learning disabilities are intelligent and many are gifted;
  - (b) Individuals with a learning disability may have difficulty reading, listening, understanding directions, writing, spelling, doing math, organizing things, getting along with others, expressing ideas out loud, paying attention;
  - (c) Individuals with a learning disability can be taught to use their strengths and find ways to make it easier to learn and be more successful at school and on the job;
  - (d) The county can help individuals get the appropriate welfare-to-work activity, including accommodations once a learning disability is identified;
  - (e) The learning disabilities screening is a very simple and short test;
  - (f) The screening will help the individual decide if they want a referral to a learning disability specialist for an evaluation to find out if a learning disability exists;
  - (g) The areas that will be tested at evaluation are natural talents and abilities, ability to follow verbal and written information, achievement, and job and career interests. The specialist can help identify strengths and weaknesses so that the county can make referrals to the appropriate services and accommodations; and
  - (h) Individuals have the right to file for a fair hearing pursuant to Section 42-721.5 if they disagree with a county action.
  - (i) Limited-English proficient CalWORKs welfare-to-work participants have the right to request a referral to a learning disabilities evaluation, pursuant to Section 42-722.414, when there is no screening tool in their primary language.
  
- .13 Counties that choose to offer a screening for learning disabilities later than the first welfare-to-work contact are still required to provide information about the screening and evaluation, as specified in Section 42-722.12, at the first welfare-to-work contact.
  
- .14 Participants who request or agree to a learning disabilities screening at any time during their welfare-to-work participation must be screened by the county before they are assigned to another welfare-to-work activity.
  - .141 This provision applies only to participants who have not been previously screened.
  - .142 Participants in welfare-to-work activities shall have good cause for not participating if their assigned activities, when their screening appointment conflicts with their activity.

<b>42-722</b>	<b>LEARNING DISABILITIES PROTOCOLS AND STANDARDS</b>	<b>42-722</b>
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- .15 For limited-English proficient CalWORKs welfare-to-work participants for whom no recognized and validated learning disabilities screening tools exist, as required by Section 42-722.32, the county must determine whether a potential learning disability exists.

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**HANDBOOK BEGINS HERE**

- .151 Counties may use discussions with, and observation of, the participant to determine the existence of a potential learning disability.
- (a) Discussions with the limited-English proficient participant may include, but are not limited to:
    - (1) The participant's ability to follow instructions both verbally and in writing;
    - (2) Learning difficulty in his/her native language while growing up as compared to other children; and
    - (3) Subject areas that were easy for the participant to learn and conversely, subject areas that were difficult to learn.
  - (b) Observation of the participant could include comparison of the participant's work habits and/or classroom ability to their peer group.

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**HANDBOOK ENDS HERE**

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- .152 For the purposes of Section 42-722.15, the county shall determine whether limited-English proficient CalWORKs welfare-to-work participants may have a learning disability within the time frames cited in Section 42-722.11.
- .153 If the county determines that a limited-English proficient CalWORKs welfare-to-work participants may have a potential learning disability, the county must refer the participant to a learning disabilities evaluation in accordance with Section 42-722.4.
- .16 If during the learning disabilities screening and evaluation process, the county suspects that the participant has health, behavioral health, and learning disabilities problems, counties should address the health-related issues first.
- .161 Participants referred to health-related evaluations prior to a learning disabilities screening and/or evaluation shall not be required to sign a waiver, in accordance with Section 42-722.213, until the health-related issues are identified and addressed and the participant subsequently declines the screening and/or evaluation.

<b>42-722</b>	<b>LEARNING DISABILITIES PROTOCOLS AND STANDARDS</b>	<b>42-722</b>
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- .2 Participants who decline the learning disabilities screening/evaluation
  - .21 When the participant declines the learning disabilities screening referenced in Section 42-722.1 and/or the evaluation referenced in Section 42-722.4, the county must:
    - .211 Inform the participant that his/her welfare-to-work activities will not include any accommodations for a learning disability; and
    - .212 Inform the participant that he/she may receive a learning disabilities screening and/or evaluation upon request at any later time; and
    - .213 Read and discuss the waiver of the learning disabilities screening and/or evaluation with the participant and have the participant sign the waiver.
      - (a) A participants' refusal to sign the waiver is equivalent to a signed waiver when documented by the county in the case file.
  - .22 The county must not sanction a participant because of his/her refusal to be screened and/or evaluated for learning disabilities.
    - .221 Should a participant decline to be screened or evaluated, and subsequently refuse or fail to comply with program requirements, or to make satisfactory progress in his/her assigned activity, the participant shall not have good cause on the basis of being learning disabled for failing to comply with program requirements or make satisfactory progress, and shall be subject to the compliance and sanction requirements in accordance with Sections 42-721.2 and .4, respectively, unless determined to have a learning disability.
  - .23 Should the participant decline the learning disabilities screening and/or evaluation as described in Section 42-722.21, and request a learning disabilities screening and/or evaluation at a later time, the county must provide the screening and evaluation as soon as administratively possible.
    - .231 If the evaluation identifies the existence of a learning disability, the welfare-to-work assignment and/or welfare-to-work plan, as necessary, will be modified to provide appropriate services and accommodations to address the learning disability on a prospective basis only.
  - .24 Should the participant provide previous evaluation results that were conducted outside of the CalWORKs Welfare-to-Work program, the county has the option to:
    - .241 Accept all or part of the evaluation and provide the individual with any needed reasonable accommodations that are identified in the evaluation; or
    - .242 Not accept the evaluation and obtain a second opinion by referring the participant to another learning disabilities evaluation.

<b>42-722</b>	<b>LEARNING DISABILITIES PROTOCOLS AND STANDARDS</b> (Continued)	<b>42-722</b>
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- .243 In cases when previous evaluations do not provide sufficient information, refer the participant to additional testing.
  - .25 If the participant's previous evaluation is determined acceptable by the county, the participant shall not be required to sign the learning disability screening and evaluation waiver.
  - .26 A county must, at a minimum, verbally inform participants that it is accepting or rejecting all or part of a previous learning disabilities evaluation.
  - .27 If the participant meets the criteria in Sections 42-722.412 and .414, and is directly referred to an evaluation without going through the screening process, the participant shall not be required to sign a waiver.
- .3 Providing Learning Disabilities Screening
- .31 The county may choose who will administer the learning disabilities screening tool.
    - .311 Counties must select screeners for potential learning disabilities who have:
      - (a) The training to appropriately administer the screening tool; and
      - (b) To the degree possible, a working relationship with the participant (e.g., county employment case managers, social workers, and eligibility workers; and contracted service providers, etc.).
    - .312 Counties may contract with trained, qualified learning disabilities professionals to administer the screening tool.
  - .32 Counties must use only recognized and validated learning disabilities screening tools, if a validated tool exists in the participant's primary language.
  - .33 Counties must use bilingual and bicultural staff when determining whether a limited-English proficient individual has a potential learning disability.
- .4 Referral Process for Disabilities Evaluation
- .41 In accordance with Section 42-711.58, counties must refer CalWORKs participants who are suspected of having a learning disability for a learning disabilities evaluation. These participants include, but are not limited to, individuals who:
    - .411 Have been identified as potentially having a learning disability, based on the learning disabilities screening tool score;
    - .412 Were previously identified as having learning problems (e.g., in Special Education classes in grades kindergarten through 12); or

<b>42-722</b>	<b>LEARNING DISABILITIES PROTOCOLS AND STANDARDS</b>	<b>42-722</b>
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- .413 Are suspected of having a learning disability, even though the results from the learning disabilities screening did not indicate a potential learning disability.
- .414 Are limited-English proficient and request a referral to a learning disabilities evaluation if no validated screening tool exists in their primary language.
- .42 If a participant declines the learning disabilities evaluation, the county must inform the participant of how his/her welfare-to-work assignment will be affected as provided in Section 42-722.21.
- .43 If a participant agrees to an evaluation, the county must refer him/her to the evaluation as soon as administratively possible.
- .44 Participants who are screened at the assessment, described in Section 42-711.55, and are found to have a potential learning disability and have agreed to an evaluation, must be evaluated prior to the completion of the assessment and the welfare-to-work plan.
  - .441 If the individual initially agrees to an evaluation but fails to attend evaluation without good cause, he/she will be deemed to have declined the evaluation and the assessment process will resume without benefit of the evaluation. The individual shall not be sanctioned as described in Section 42-722.22 for failure to attend the evaluation and shall be able to request a screening and/or evaluation at a later time as described in Section 42-722.23.
- .45 Participants in welfare-to-work activities shall have good cause for not participating if their assigned activities, when their evaluation appointment conflicts with their activity.
- .46 Counties must use trained, qualified learning disabilities evaluation professionals who use recognized and validated learning disabilities evaluation tools to identify learning disabilities and to determine the appropriate accommodations for individuals with learning disabilities.
  - .461 Learning disabilities evaluation professionals may include county staff who have the necessary training as learning disabilities specialists to administer and interpret validated test instruments.
  - .462 The county may contract with qualified learning disabilities evaluation professionals to perform the evaluations.

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**HANDBOOK BEGINS HERE**

- .463 Learning disabilities evaluation professionals with whom the county may contract include, but are not limited to, qualified individuals from the following sources:
  - (a) Professional private/corporate contractors or providers;

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**HANDBOOK CONTINUES**

- (b) Trained and qualified staff at community/state colleges or universities;
  - (c) Trained and qualified staff from community-based organizations that serve individuals with learning disabilities;
  - (d) Trained and qualified staff from adult educational facilities, or
  - (e) Staff from the Department of Rehabilitation.
- .464 Basic evaluation test instruments that learning disabilities evaluators may use but are not limited to the following areas:
- (a) Aptitudes/information processing, e.g., Wechsler Adult Intelligence Scale (WAIS), Woodcock-Johnson;
  - (b) Achievement, e.g., Wide Range Achievement Test (WRAT 3), Test of Adult Basic Education (TABE), Nelson-Denny (reading); and
  - (c) Vocational interest, as needed, to assist in the development of the welfare-to-work plan.

**HANDBOOK ENDS HERE**

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- .465 If no recognized and validated evaluation tools exist in the participant's primary language, the learning disabilities evaluation professional, utilizing appropriate bilingual and/or bicultural staff, as necessary, must to the best of staff ability determine if a learning disability exists through:
- (a) The use of other evaluation tools that may provide pertinent information.
  - (b) Discussions appropriately tailored to the individual's cultural background with, and/or observations of, the participant; and/or
- .466 If a county staff person, service provider, learning disabilities professional, or the participant suspects that the participant suffers from another impairment that may be a barrier to participation (i.e., a health or behavioral health problem), in addition to or instead of a learning disability, the county also shall refer the participant to a professional who is licensed to diagnose that impairment in accordance with Section 42-722.16.
- .5 Learning Disabilities Evaluation Report
- .51 The learning disabilities evaluation report, at a minimum, shall include the following core information:

<b>42-722</b>	<b>LEARNING DISABILITIES PROTOCOLS AND STANDARDS</b> (Continued)	<b>42-722</b>
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- .511 Relevant vocational/educational background and history;
- .512 General aptitude/cognitive level;
- .513 Other issues, such as, physical/mental problems;
- .514 Areas of strength;
- .515 Areas of deficiency; and
- .516 A summary of the participant's condition and service needs including:
  - (a) severity of disability;
  - (b) areas of potential impact, including employment and participation in welfare-to-work activities;
  - (c) rationale for learning disabilities determination/diagnosis;
  - (d) recommendations for additional services, as appropriate;
  - (e) if identified, any suspected conditions other than a learning disability so that the county can make the appropriate referral; and
  - (f) Range of recommended accommodations/assistive technology to be included in the participant's welfare-to-work plan.
  
- .52 The learning disabilities evaluation report may include, but is not limited to, the following optional information:
  - .521 Identification of local resources to assist recipients;
  - .522 Documentation of accommodation/assistive technology needs for other purposes (e.g., driver's license exam, GED exam); and
  - .523 Discussion of participant's short/long-term employment goals and general/specific vocational recommendations to the extent that the evaluator is qualified to address these issues.
    - (a) If the learning disabilities evaluation report does not include a written discussion of the participant's short/long-term employment goals and general/specific vocational recommendations, the county will need to ensure that these issues are addressed in the assessment process as described in Section 42-711.55 in consultation with the learning disabilities evaluator, as necessary.

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

- .53 County Response to the Learning Disabilities Evaluation Report
  - .531 If the learning disabilities evaluation report establishes that the participant does not have a learning disability or other disability that interferes with obtaining or retaining employment or participating in the CalWORKs program:
    - (a) The county must provide a copy of the report and an explanation of the evaluation results to the participant;
    - (b) The participant must begin/resume his/her welfare-to-work assignment;
    - (c) The county must inform the participant that he/she will not be provided special accommodations while participating in his/her welfare-to-work assignment, since it was determined that he/she did not have a learning disability; and
    - (d) Inform the participant of the right to file for a state hearing if the participant disagrees with the county actions based on the evaluation, in accordance with Section 42-721.51.
  - .532 If the learning disabilities evaluation report establishes that the participant has a learning disability that interferes with obtaining or retaining employment or participating in a CalWORKs program, the county must:
    - (a) Provide a copy and an explanation of the evaluation report results to the participant, including any recommendations for reasonable accommodations identified in the evaluation;
    - (b) Discuss the appropriate welfare-to-work activities and reasonable accommodations needed to help the participant be successful in completing his/her welfare-to-work activities; and
    - (c) As necessary, develop or modify the welfare-to-work activities and/or welfare-to-work plan in accordance with Section 42-711.63 to reflect appropriate welfare-to-work activities and necessary reasonable accommodations based on the results of the assessment, the learning disabilities evaluation, and discussions between the county and the participant.
    - (d) Inform the participant of the right to file for a state hearing if the participant disagrees with the county actions based on the evaluation, in accordance with Section 42-721.51.
- .54 Counties must treat participants' medical records and written learning disabilities evaluations as confidential documents that should only be shared with other counties, other learning disabilities evaluators, outside agencies, and welfare-to-work partner agencies on a "need-to-know" basis.

<b>42-722</b>	<b>LEARNING DISABILITIES PROTOCOLS AND STANDARDS</b> (Continued)	<b>42-722</b>
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.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 42-711.411 or .421.

.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> (Continued)	<b>42-722</b>
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| .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, 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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<b>42-740</b>	<b>CONTRACTS/AGREEMENTS FOR GAIN JOB SEARCH, TRAINING AND EDUCATION SERVICES</b>	<b>42-740</b>
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Repealed by Manual Letter No. EAS-98-03, effective 7/1/98.

<b>42-741</b>	<b>AGREEMENTS FOR PREP AND AWEX</b>	<b>42-741</b>
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Repealed by Manual Letter No. EAS-98-03, effective 7/1/98.

<b>42-742</b>	<b>CONTRACTS/AGREEMENTS FOR ON-THE-JOB TRAINING (OJT), SUPPORTED WORK, AND TRANSITIONAL EMPLOYMENT FUNDED BY GRANT DIVERSION</b>	<b>42-742</b>
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Repealed by Manual Letter No. EAS-98-03, effective 7/1/98.

<b>42-750</b>	<b>SUPPORTIVE SERVICES</b>	<b>42-750</b>
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.1 Supportive Services

.11 Necessary supportive services shall be available to every participant in order to participate in the program activity to which he or she is assigned or to accept or retain employment. If necessary supportive services are not available, the individual shall have good cause for not participating under Section 42-713.21. Supportive services shall include all of the following:

.111 Child care as described in Chapter 47-100.

.112 Transportation. Transportation costs shall be governed by regional market rates as determined below:

(a) The least costly form of public transportation, including CWD provided transportation, that would not preclude participation in welfare-to-work activities pursuant to Section 42-721.313.

(b) If there is no public transportation available which meets these requirements, participants may use their own vehicles. Participants shall be reimbursed at one of the following rates:

(1) The county shall select an existing reimbursement rate used in the county, or

**42-750**      **SUPPORTIVE SERVICES** (Continued) **42-750**

- (2)      The county shall develop a rate that covers necessary costs.
- (3)      The reimbursement rate may not include a "cap," or maximum monthly reimbursement amount, beyond which additional miles driven are not reimbursed.
- (c)      Parking for welfare-to-work participants shall be reimbursed at actual cost. Participants shall submit receipts for this purpose, except in cases where parking meters are used.
- (d)      Participants who choose to use their own vehicles when public transportation is available will be reimbursed at the least expensive reimbursement rate of available transportation pursuant to Sections 42-750.112(a) and (b).

.113      Ancillary expenses shall include the cost of books, tools, clothing specifically required for the job, fees, and other necessary costs.

- (a)      Tuition (and school fees in the nature of tuition) are not ancillary expenses. The county is not obligated to pay these costs when a person or entity, other than the county or county authorized entity, contracts for the training.

.114      A participant who has personal or family problems that would affect the outcome of the welfare-to-work plan shall, to the extent available, receive necessary counseling or therapy to help him or her and his or her family adjust to his or her job or training assignment.

- (a)      "To the extent available" means these services are available at no cost to the recipient or the county develops a written policy authorizing payment for personal counseling.

.2      Supportive Services Payments

.21      Payments for supportive services, except child care as described in Chapter 47-100, shall be advanced to the participant when necessary and desired by the participant so that the participant need not use personal funds to pay for these services.

.211      Notwithstanding any other provision of Chapter 42-700, any participant in on-the-job training who becomes ineligible for CalWORKs due to earned income, hours worked, or loss of income disregards, shall remain a participant in the program under welfare-to-work activities for the duration of the on-the-job training assignment. The participant shall be eligible for supportive services for the duration of the on-the-job training, provided this duration does not exceed the time limits otherwise applicable to the recipient.

<b>42-750</b>	<b>SUPPORTIVE SERVICES (Continued)</b>	<b>42-750</b>
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- .212 Notwithstanding any other provision of Chapter 42-700, any participant in on-the-job training, grant-based on-the-job training, supported work, or transitional employment who remains eligible for aid shall be eligible for transportation and ancillary expenses as specified in this section.
  
  - .213 When a participant requests a hearing within the period of timely notification (see Section 22-072.5) to appeal a suspension, reduction, or termination of CalWORKs welfare-to-work supportive services or a change in the method of providing such services, the participant shall not be entitled to a continuation of CalWORKs welfare-to-work supportive services in the same amount or form pending the hearing decision. The participant shall be entitled to supportive services only at the level and in the form authorized by the county action under appeal.
- .3 Coordination of Supportive Services and Financial Aid
- .31 The CWD shall encourage participants to apply for financial aid, including educational grants, scholarships, and awards.
  
  - .32 Reimbursement for SIPs (see Section 42-711.54) shall be provided if no other source of funding for those costs is available. Any offset to supportive services payments will be made in accordance with financial aid provisions as specified in Section 42-750.33.
  
  - .33 Treatment of Financial Aid
    - .331 The CWD shall consider the availability of financial aid received by the participant in the form of educational grants, scholarships and awards when determining the need for welfare-to-work supportive services payments.
  
    - .332 The CWD shall not deny or reduce welfare-to-work supportive services if the participant indicates that the financial aid is not available to meet supportive services needs.
  
    - .333 The CWD shall document all determinations regarding consideration of a participant's educational grants, scholarships and awards in the case file.
  
    - .334 The CWD shall attempt to enter into written agreements with the financial aid office at appropriate educational institutions providing welfare-to-work services in order to avoid duplication of supportive services payments to welfare-to-work participants.
  
    - .335 Any agreement between the CWD and the institution shall include, but not be limited to the following:
      - (a) A description of the supportive services to be provided by each party.

<b>42-750</b>	<b>SUPPORTIVE SERVICES (Continued)</b>	<b>42-750</b>
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- (b) A provision for amendment and modification as necessary.
- (c) A provision that supportive services needs will be evaluated on a case-by-case basis.
- .34 Educational loans or work study program awards shall be excluded from consideration when determining supportive services needs.
- .4 Notice Requirements for Transportation and Ancillary Support Services
  - .41 Participants shall be notified of specific arrangements for authorized transportation and ancillary supportive services through an appropriate Notice of Action (NOA) which shall be issued pursuant to the procedures specified in MPP Division 22.
    - .411 NOAs shall be issued to CalWORKs participants for the following types of supportive services actions and changes:
      - (a) Approval of supportive services and the level and method of payment;
        - (1) The CWD shall inform participants who receive an advance payment that the unused portion of the advance will be collected as specified in Section 42-751.
        - (2) The CWD shall inform participants who receive advance payments that receipt of subsequent advance payments is contingent upon CWD receipt of proof of costs incurred no later than the 10th day of the month following the month for which the advance payment was made.
      - (b) Denial of requests by CalWORKs participants for CalWORKs supportive services arrangements or payments;
      - (c) Changes to existing supportive services payments and arrangements;
      - (d) Collection of supportive services overpayments from CalWORKs participants pursuant to Section 42-751;
      - (e) Termination of supportive services arrangements or payments.
    - .414 NOAs are not required for the following types of supportive services actions:
      - (a) Approval of supportive services for one-time, short-term activities. Short-term activities include orientation/appraisal and school field trips. If the amount requested is not approved, a NOA is required.

**42-750 SUPPORTIVE SERVICES (Continued) 42-750**

- (b) Approval of payments which are equal to the amount claimed by the CalWORKs participant or the service provider.
- .42 The CWD shall inform participants of the requirement to provide prior notification to the CWD of changes in transportation and ancillary supportive services arrangements at least ten calendar days before an anticipated change, except in emergency or exceptional situations.

NOTE: Authority cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code. Reference: Sections 11320, 11320.3(f)(1), 11320.31(c), 11323.2, 11323.4, and 11325.23(d), Welfare and Institutions Code.

**42-751 UNDERPAYMENTS AND OVERPAYMENTS FOR TRANSPORTATION AND ANCILLARY SUPPORT SERVICES 42-751**

.1 General Criteria

- .11 The CWD shall take all reasonable steps necessary to promptly correct any overpayment or underpayment of transportation and ancillary supportive services payments to a recipient or a service provider including, but not limited to, all cases involving fraud and abuse, consistent with these regulations.

.2 Overpayment Identification

- .21 When the county has determined that an overpayment exists, the county shall calculate the amount of the overpayment and determine the appropriate method of recovery.
- .22 Counties shall be allowed to use recovery methods as specified in Section 42-751.4(e) concurrently.
  - .221 The methods that result in the maximum recovery without interfering with program participation shall be used.

.3 Adjustment Amounts

- .31 When an underpayment or denial of supportive services occurs and as a result the applicant or recipient does not receive the amount to which he or she should have received, the CWD shall pay the applicant/recipient the balance or provide supportive services equal to the full amount of the underpayment.

.4 Collection of Overpayments

- (a) If the individual is no longer receiving aid under CalWORKs, recovery of overpayments will not be attempted where the outstanding overpayments are less than thirty-five dollars (\$35). Reasonable cost-effective efforts at collection shall be implemented where the overpayment amounts owed are thirty-five dollars (\$35) or more.

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**42-751 UNDERPAYMENTS AND OVERPAYMENTS FOR TRANSPORTATION AND ANCILLARY SUPPORT SERVICES (Continued) 42-751**

- (b) If the overpayment is the result of fraud, the CWD shall attempt to recover the overpayment regardless of the amount.
  
- (c) Initial Recovery Procedures and Establishing Repayment Agreements
  - (1) The county shall initiate recovery within 30 calendar days of the date the overpayment is first discovered by notifying the individual in writing that he/she has an overpayment and that he/she must contact the county within ten calendar days of the date the notice is mailed to arrange repayment.
    - (A) If the participant does not respond to the overpayment notice within ten calendar days of the date of the initial notice is mailed or the participant does respond to the initial notice, but fails or refuses to enter into a repayment agreement, the county shall use the payment adjustment method of recovery as specified in Section 42-751.4(g) unless:
      - 1. The county determines that the deferred repayment provisions of Section 42-751.4(d) apply.
    - (B) The overpayment notice shall include:
      - 1. The name of the overpaid person;
      - 2. The amount owed;
      - 3. The reason for the claim;
      - 4. The period of time that the claim covers;
      - 5. A statement regarding the right of the participant to a State hearing if the participant disagrees with any aspect of the claim;
      - 6. The reasons repayment may be deferred as specified in Section 42-751.4(d);
      - 7. A statement that recovery will occur as specified in Section 42-751.4(c)(1)(A) if the individual fails to respond within ten calendar days.
    - (C) The county shall attempt to obtain a signed repayment agreement from the overpaid individual subject to the recovery methods specified in Section 42-751.4(e) and provide a copy of the agreement to the overpaid individual.

**42-751 UNDERPAYMENTS AND OVERPAYMENTS FOR TRANSPORTATION AND ANCILLARY SUPPORT SERVICES (Continued) 42-751**

(d) Overpayment Collection Deferrals

- (1) The collection and recovery of any overpayment shall be deferred if it is not cost effective to pursue the collection. The CWD shall defer collection and recovery of any overpayment if the collection would result in disruption of child care arrangements, preclude participation in welfare-to-work activities, or prevent employment.
- (2) The CWD shall: (1) notify the participant of the deferral and when a decision to defer overpayment collection is made; (2) reevaluate the need for deferring repayment when necessary; (3) document the expected ending date of the deferred repayment status.

(e) Reasonable efforts shall include written notification of the amount of the overpayment and that repayment is required. The following are reasonable cost-effective collection methods:

(1) Balancing.

When an individual has both an overpayment and an underpayment, the CWD may offset one against the other, subject to the provisions specified in Section 42-751.4(g).

(2) Voluntary Cash Recovery.

The CWD shall accept any voluntary cash payment from an individual to pay any portion of an existing overpayment.

(3) Grant Adjustment.

The individual shall be permitted to have supportive services overpayments adjusted from the CalWORKs grant when the individual is receiving CalWORKs, provided:

- (A) The individual chooses this method of recovery; and
- (B) The individual agrees with the amount of the CalWORKs grant adjustment.

(4) Section 42-751.4(e)(4)(QR) shall become operative in a county on the date QR/PB becomes effective in that county, pursuant to the Director's QR/PB Declaration.

(QR) Recoupment by grant adjustment shall be conducted in accordance with Section 44-352.41(QR).

(f) Individuals shall be allowed to revoke a repayment agreement incorporating grant adjustment at any time and enter into a new repayment agreement with the CWD.

<b>42-751</b>	<b>UNDERPAYMENTS AND OVERPAYMENTS FOR TRANSPORTATION AND ANCILLARY SUPPORT SERVICES (Continued)</b>	<b>42-751</b>
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(g) Supportive Services Payment Adjustment

(1) The following payment adjustment provisions shall be applicable only to current welfare-to-work participants.

(A) The maximum recovery from the current payment(s) shall be as follows:

1. Ten percent of the total payment, for recipient-caused overpayments, unless the individual volunteers to pay a higher percentage.
2. Five percent of the total payment for overpayments resulting from administrative error, unless the individual volunteers to pay a higher percentage.

(B) When recovery is made in full from a subsequent supportive services payment, the participant shall be informed in writing.

(C) When the current payment adjustment is not enough to recover the entire overpayment or no claim is received in a given month, then the remaining amount of the overpayment shall be applied to succeeding month(s), and the adjustment process shall be repeated as specified above.

(D) When any adjustment is made, the CWD shall notify the participant in writing.

(E) When no subsequent payment(s) are available for an adjustment to be made, because the individual becomes exempt and does not volunteer to participate or loses eligibility for CalWORKs the CWD shall attempt to establish or obtain a new repayment agreement.

(F) The CWD shall notify the participant in writing when a reduction is made to adjust current supportive services.

(h) If the individual responsible for the overpayment to the assistance unit is no longer eligible for CalWORKs, or if he or she becomes a member of another assistance unit:

(1) Recoupment of overpayments will be made against the individual or his or her present assistance unit, or both.

<b>42-751</b>	<b>UNDERPAYMENTS AND OVERPAYMENTS FOR TRANSPORTATION AND ANCILLARY SUPPORT SERVICES (Continued)</b>	<b>42-751</b>
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- (i) Where an overpayment has been made to an assistance unit which is no longer receiving CalWORKs, recovery will be made by appropriate action under state law against the income or resources of the individual responsible for the overpayment or against the members of the former assistance unit.
- (j) Recovery of Overpayments.
  - (1) Any suits to recover overpayments from CalWORKs applicants, recipients and payees will be brought on behalf of the county by the county counsel unless the board of supervisors delegates such duty to the district attorney by ordinance or resolution.

NOTE: Authority cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code. Reference: Sections 10063, 11004(g), (h), (i), (k), and (l), 11265.2, and 11323.4(b), Welfare and Institutions Code.

<b>42-760</b>	<b>GAIN REGISTRATION</b>	<b>42-760</b>
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Repealed by Manual Letter No. EAS-98-03, effective 7/1/98.

<b>42-761</b>	<b>GAIN REGISTRANT APPRAISAL</b>	<b>42-761</b>
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Repealed by Manual Letter No. EAS-98-03, effective 7/1/98.

**42-771 GAIN PARTICIPANT CONTRACTS 42-771**

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

**42-772 GAIN PARTICIPATION REQUIREMENTS 42-772**

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

**42-773 ASSESSMENT AND EVALUATION 42-773**

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

**42-774 REAPPRAISAL 42-774**

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

**42-775 GAIN PARTICIPATION REQUIREMENTS FOR AFDC-U PARENTS 42-775**

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

**42-780 COUNTY PLANS FOR CALWORKS 42-780**

- .1 Each county shall have a plan which describes how the county intends to deliver the full range of activities and services necessary to move CalWORKs recipients from welfare-to-work.

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- .11 A suggested format was provided to the counties in an All-County Letter (ACL) 97-54 dated September 10, 1997.
- .12 Required contents of the county plans are listed in Welfare and Institutions Code Sections 10530, 10531, 10542(a), 11321.6, 11322.7, 11322.9(d), 11323.2(b), 11325.7(b), 11325.8(a), 11327.8(a), and 13280.

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<b>42-780</b>	<b>COUNTY PLANS FOR CALWORKS</b>	<b>42-780</b>
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(Continued)

- .2 The county plan shall describe the county's plans to participate in the job creation program established by Government Code Section 15365.50 et seq. as added by AB 1542.
- .3 The county plan shall describe discussions between the county and any federally recognized Indian tribe in the county regarding whether the tribe intends to operate a tribal TANF program, county expenditures on recipients, and equitable access to assistance.
- .4 The county plan shall describe the criteria specified at Sections 42-712.471(b)(1) and .472(a)(1) for reducing or extending the exemptions for care providers of infants.
- .5 The County Welfare Director and County Board of Supervisors shall approve the plan, and any significant revisions or addenda thereto, and certify that the county will operate the CalWORKs Program described therein.
  - .51 All revisions/addenda, no matter how minor, shall be submitted to the Department, as they occur.
  - .52 A letter identifying the sections of the county plan being revised shall accompany the revisions/addenda.
  - .53 A county may implement revisions/addenda when they are submitted to the Department.
- .6 A county shall submit an addendum to the county plan once every three years.

NOTE: Authority cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code. Reference: Sections 10530, 10531, 10532(b)(1), 10534, 10542, 10553.2(d), 11321.6, 11322.7, 11322.9, 11323.2, 11325.7, 11325.8, 11327.8, 11329.4, and 13280, Welfare and Institutions Code; and 42 U.S.C. 602(a)(5) and 612.

<b>42-781</b>	<b>CAUSE DETERMINATIONS AND CONCILIATION</b>	<b>42-781</b>
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Repealed by Manual Letter No. EAS-98-03, effective 7/1/98.

<b>42-782</b>	<b>GAIN GOOD CAUSE CRITERIA</b>	<b>42-782</b>
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Repealed by Manual Letter No. EAS-98-03, effective 7/1/98.

**44-303 AID PAYMENTS - DEFINED 44-303**

Aid payments are:

- .1 Money payments, i.e., payments delivered unconditionally to the recipient or family or to the legally appointed guardian or conservator of the recipient's estate, with no state or county control of the use of the payments.

When a staff person in the county welfare department or in the State Department of Social Services serves as a substitute payee or as a court appointed guardian or conservator for the recipient, as provided in Sections 40-107.2 and 30-222.6, his/her determinations regarding utilization of the aid payments on behalf of the recipient do not constitute "state or county control" within the meaning of this section. However, care shall be taken to leave the recipient as much control over the use of the payment as possible and consistent with conditions.

or

- .2 Protective payments, i.e., assistance payments made to a substitute payee serving as representative of the recipient or family (see Section 44-309).

or



**44-305 AID PAYMENTS - PAYEE AND DELIVERY (Continued) 44-305**

- .24 The exceptions to standard delivery dates specified in Section 44-304.6 shall be applicable to counties that have alternate payment systems.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 10063(a), 11006.2, 11254, Welfare and Institutions Code; 45 CFR 233.29, 45 CFR 233.31(b)(4) and 45 CFR 233.32.

**44-307 VOUCHER/VENDOR PAYMENTS 44-307**

- .1 Voucher/Vendor Payments A county shall issue vouchers or vendor payments for at least rent and utilities payments in the following instances:
- .11 Felony Conviction A member of the AU becomes ineligible for aid due to a felony conviction after December 31, 1997, related to the possession, use, or distribution of a controlled substance, or
- .12 Sanction Any time a parent or caretaker relative has been subject to sanction for at least three consecutive months. A county shall establish when to begin to issue vouchers or vendor payments after this three-month period in sanction status. This timeframe shall be included in a county's written policies and procedures. The vouchers or vendor payments shall continue until the parent or caretaker relative is no longer subject to sanction.
- .2 Grant not Sufficient When the computed grant is not sufficient to cover both rent and utilities, the county shall issue a voucher or vendor payment for the full amount of the grant. The voucher or vendor payment may be for rent, utilities, or some portion of either.

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**HANDBOOK BEGINS HERE**

- .21 Example: Recipient's rent for a given month \$500.
- Utilities for the month \$100.
- Grant for the month \$400.
- The county could either send a \$400 voucher to the landlord or send a \$100 voucher to the utility company and a \$300 voucher to the landlord.

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**HANDBOOK ENDS HERE**

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<b>44-318</b>	<b>BEGINNING DATE OF AID (BDA) FOR PERSONS BEING ADDED TO THE AU (Continued)</b>	<b>44-318</b>
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| .13 Sanction/<br>Noncooperating Persons        | Section 44-318.13(MR) shall become inoperative and Section 44-318.13(QR) shall become operative in a county on the date QR/PB becomes effective in that county, pursuant to the Director's QR/PB Declaration.   |  |
| (MR)   | The date the person meets the requirement which caused that person to be excluded from the AU, or the date the person meets all eligibility conditions, whichever is later.   |  |
| (QR)   | The first of the month following the date the person meets the requirement which caused that person to be excluded from the AU, after all conditions of eligibility have been met (see Section 44-316.331(c)(QR)).  |  |
| .14 Unreported Mandatorily<br>Included Persons | Section 44-318.14(MR) shall become inoperative and Section 44-318.14(QR) shall become operative in a county on the date QR/PB becomes effective in that county, pursuant to the Director's QR/PB Declaration.   |  |
| (MR)   | The date the person meets all requirements for eligibility when he/she is required to be included in the AU but aid was not requested. Eligibility conditions are considered to have been met from the date the individual was discovered in the home, providing he/she is cooperating in meeting those conditions. |  |
| (QR)   | The date the person meets all requirements for eligibility when he/she is required to be included in the AU but aid was not requested.  |  |
| (QR) .141                                      | Eligibility conditions are considered to have been met from the first day of the month following the date the individual was discovered in the home, providing he/she is cooperating in meeting those conditions.   |  |



<b>44-318</b>	<b>BEGINNING DATE OF AID (BDA) FOR PERSONS BEING ADDED TO THE AU (Continued)</b>	<b>44-318</b>
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|-----------|---------------------|---|
| .16       | Father of a Newborn | Section 44-318.16(MR) shall become inoperative and Section 44-318.16(QR) et seq. shall become operative in a county on date QR/PB becomes effective in that county, pursuant to the Director's QR/PB Declaration. |
| (MR)      |                     | The date the newborn child becomes eligible, or the date the father meets eligibility conditions, whichever is later.   |
| (QR)      |                     | When a father of a newborn added, in accordance with Section 44-205.632, results in a cash aid:   |
| (QR) .161 | Increase            | The first of the month after the report of the birth and all conditions of eligibility have been met.   |
| (QR) .162 | Decrease            | The first day of the next QR Payment Quarter after the report of the birth and all conditions of eligibility have been met.   |

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 11056, 11265.1, 11265.2, 11265.3, and 11327.5(d), Welfare and Institutions Code; 45 CFR 233.10 and .20(a)(13); Federal Register, Vol. 57, No. 131; and SSA-AT-86-01.

<b>44-319</b>	<b>INITIAL PAYMENTS</b>	<b>44-319</b>
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| .1  | Initial Payment -- Defined -- An initial payment is:   |
| .11 | The first payment made on new applications and restorations;   |
| .12 | The first payment for a child transferred from a boarding home to a family budget unit;  |
| .13 | The first payment for the addition of a child to a family budget unit already receiving AFDC, or for the addition of a needy relative (if none has been included before) whether or not the actual payment is increased. |

.2	When Initial Payment is Made
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An initial payment shall be delivered within the month for which aid is granted or restored, or not later in the following month than the time such payment is required to be delivered in accordance with Section 45-303.1.

<b>44-319</b>	<b>INITIAL PAYMENTS (Continued)</b>	<b>44-319</b>
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.3 Retroactive Initial Payment

An initial payment includes aid for prior months if retroactive aid is authorized because:

- .31 Aid was granted on appeal to the State Department of Social Services;
- .32 The State Department of Social Services concurs in a county recommendation that retroactive aid be paid to adjust an appeal;
- .33 An application for aid has been denied and corrective action is being taken;
- .34 The investigation was not completed by the end of the month following the date on which the application was made or the end of the month following the date on which the applicant became eligible if such is later than the date of application.

<b>44-325</b>	<b>CHANGES IN AMOUNT OF PAYMENT</b>	<b>44-325</b>
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.1 When Change is Effective

Section 44-325.1(MR) shall become inoperative and Section 44-325.1(QR) shall become operative in a county on the date QR/PB becomes effective in that county, pursuant to the Director's QR/PB Declaration.

(MR) When any change in the recipient's circumstances requires a change in grant, or a discontinuance of aid, the appropriate change or discontinuance is to be made effective as soon as proper notice can be given in accordance with Sections 22-022 and 22-021.2.

(QR) When any change in the recipient's circumstances requires a change in grant, or a discontinuance of aid, the appropriate change or discontinuance is to be made effective in accordance with Section 44-316(QR) as soon as notice can be given pursuant to Sections 22-071(QR) and 22-072(QR).

.2 Discontinuance

If a recipient's circumstances change to the extent that he no longer meets the eligibility requirements, aid shall be discontinued effective the last day of the month for which the last payment was made (see EAS Section 40-183.4 regarding appropriate action when the recipient is no longer eligible for cash grant but remains eligible for medical assistance as a medically needy person).

.3 Cancellation or Reduction of the Second Installment of a Month's Aid Payment

- .31 The second installment of a month's aid payment is normally not cancelled or reduced, except when: