



CDSS

WILL LIGHTBOURNE
DIRECTOR

STATE OF CALIFORNIA—HEALTH AND HUMAN SERVICES AGENCY
DEPARTMENT OF SOCIAL SERVICES
744 P Street • Sacramento, CA 95814 • www.cdss.ca.gov



EDMUND G. BROWN JR.
GOVERNOR

January 14, 2016

ORD #0315-06

Notification of 15-Day Public Availability
of Changes to Regulations and Supporting
Documents and Information

On September 2, 2015, a public hearing was held to consider the proposed adoption, amendment or repeal of the following regulations:

ITEM #1 – AB 74 CalWORKs Regulations Changes

Pursuant to the provisions of Section 11346.8(c) of the Government Code, the California Department of Social Services (CDSS) has revised the Statement of Reasons and the proposed regulatory language. A copy of the full text of the regulations with the proposed changes indicated is enclosed for your review. Copies of the Final Statement of Reasons and the Updated Informative Digest are also attached for review and comment.

Any person interested may submit written statements or arguments relating to the modified language and documents or information during the public comment period from January 15, to February 1, 2016. These statements may be submitted to the Office of Regulations Development (ORD) at the address listed below, by e-mail to ord@dss.ca.gov or by fax at (916) 654-3286. In order to be considered, public comments must be received by CDSS on or before 5:00 p.m., February 1, 2016.

California Department of Social Services
Office of Regulations Development
744 P Street, M.S. 8-4-192
Sacramento, CA 95814

Any questions concerning the proposed regulations and documents or information may be directed to Ying Sun, Manager of ORD at (916) 657-2586.

Enclosures

Description of Method Used to Illustrate
Changes to Original Text

In the attached document, the language originally proposed is underlined. Deletions to existing language are shown by strikeout. Revisions made subsequent to public hearing are shown as follows:

Added language double underlined, bolded and shaded text

New language added following public hearing.

Deleted language double strikeout, bolded and shaded text

~~~~Language deleted following public hearing.~~~~

Amend Section 41-440 to read:

41-440 UNEMPLOYED PARENT PROGRAM (Continued) 41-440

.2 Requirements to be Met in Order to Establish Deprivation Due to Unemployment

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

.22 The principal earner shall have worked less than 100 hours (Section 41-440.1(a)) during the four-week period prior to the date of eligibility for cash aid based on unemployment deprivation. The four-week period shall be adjusted daily to determine the four-week period in which the applicant principal earner worked less than 100 hours. (See Handbook Section below.)

.221 An individual who applies for CalWORKs after leaving aid due to AB 98 subsidized employment income as described in Sections 42-716.811721(a) and 42-716.813723(a) or expanded subsidized employment income as described in Section 42-716.81, shall be considered a current recipient for the purpose of establishing unemployment deprivation if he or she applies within three calendar months of the subsidized employment ending. (Continued)

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

Reference: Sections 10553, 10554, 10604, 11201, 11201.5, 11270, ~~and~~ 11322.63(b) and 11322.64(f), Welfare and Institutions Code; and 45 CFR 233.10(a)(1), 233.100(a)(5), and 250.30(b); Family Support Act of 1988, Public Law (PL) 100-485, October 13, 1988; Family Support Administration Action Transmittal 91-15 (FSA-AT-91-15), dated April 23, 1991; and Omnibus Budget Reconciliation Act (OBRA) of 1990, Section 5061.

Amend Section 42-711 to read:

Post-Hearing: Amend Section 42-711.525 and .536 to read:

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

.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.
(Continued)

.513 If an individual returns to the Welfare-to-Work Program after not receiving aid for six months, he or she shall be treated as a new participant for the purposes of this section, including qualifications for a SIP as described in Section 42-711.541(a).

(a) Section 42-711.513 does not apply to an individual who is removed from the assistance unit due to sanction as described in Section 42-721.4, has his or her needs removed from the assistance unit's grant due to penalty as described in Section 40-105, or was ineligible to receive CalWORKs as described in Section 20-353.

.52 Appraisal (Continued)

.522 Prior to ~~or during~~ the appraisal, the CWD shall provide orientation that informs 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~~ 42-302.1 and for the required number of participation hours pursuant to Sections ~~42-716.2, 21, and 22~~ 42-711.41 and 42.711.7.

(b) A general description of the welfare-to-work program, including available activity components and supportive services, including child care that is available under Section 42-750.11. (Continued)

(2) Information regarding the welfare-to-work program shall include a description of the Welfare-to-Work 24-Month Clock described in Section 42-708.11 and the requirement to meet CalWORKs Federal Standards after 24 months in accordance with Section 42-709.13. (Continued)

.523 During the appraisal, the individual shall provide ~~information about their employment history and skills, the need for supportive services, and any other relevant information~~ the CWD requires in order to assign welfare-to-work

activities appropriately, which may include, but is not limited to, information relating to all of the following:

- (a) Employment history, interests, and skills;
- (b) Educational history, interests, and skills;
- (c) Learning disabilities as described in Section 42-711.58;
- (d) Housing status and stability;
- (e) Language barriers;
- (f) Physical and behavioral health, including, but not limited to, mental health and substance abuse issues;
- (g) Child health and well-being;
- (h) Criminal background that may present a barrier to employment or housing stability;
- (i) Past or present domestic abuse issues, as described in Section 42-715;
- (j) The need for supportive services, as described in Section 42-750; and
- (k) Any other information that may affect an individual's ability to participate in work activities.

.524 (Continued)

.525 All appraisals shall be conducted using a statewide standard appraisal tool provided by the Department.

- (a) If information from the appraisal indicates that the individual may qualify for a welfare-to-work exemption as described in Section 42-712, or Family Stabilization as described in Section 42-749, the CWD shall evaluate the individual before requiring further participation.
- (b) At any time during the appraisal process a recipient may be identified as needing domestic abuse services **and/or a waiver of program requirements**. This need for services **and/or a waiver of program requirements** shall be evaluated and services provided pursuant to Section 42-715.2.

(c) An individual participating in an appraisal shall not be subject to the provisions of Section 42-721 for failure or refusal to answer individual questions during the appraisal process as provided above.

.53 Initial Engagement Activities

.531 Determination of Initial Engagement Activity

- (a) Unless the CWD determines that another initial engagement activity is appropriate all recipients shall participate in job search pursuant to Section 42-711.534.
- (b) If the individual is evaluated and granted Family Stabilization in accordance with Section 42-711.525(a), he or she shall participate in Family Stabilization as the initial engagement activity.
- (c) If the CWD determines that substance abuse services as described in Section 42-711.57, mental health services described in Section 42-711.56, or domestic abuse services described in Section 42-715 are appropriate for an individual, he or she shall participate in those services as the initial engagement activity.

.532 Concurrent Initial Engagement Activities

- (a) Initial engagement activities may be assigned in sequence or concurrently within a period of four consecutive weeks and throughout any extension approved by the CWD in accordance with Section 42-711.534(d) or .536(a)(1).

.533 Immediate Referral to Assessment

- (a) If the CWD determines that job search will not be beneficial and that the individual is not in need of other initial engagement activities in accordance with subdivisions (b) and (c) of Section 42-711.531, he or she shall immediately be referred to assessment and is not required to complete an initial engagement activity.
- (b) If the CWD determines that the individual would benefit from education or training activities in place of initial engagement activities, he or she shall immediately be referred to assessment and shall not complete an initial engagement activity.

.53 .534 Job Search

- 534 (a) Except as provided in Sections 42-711.531 and .533, Recipients are required to participate in job search activities. At the option of the

CWD, applicants may voluntarily participate. Exceptions to the requirement that all recipients must participate in job search activities are as follows:

- (a) ~~Participation in job search has been determined not be beneficial pursuant to Section 42-711.54.~~
- (b1) Participation in job search shall not be required if the job search schedule will interfere with unsubsidized employment or participation in an approved SIP as specified in Section 42-711.54.
- (e2) The individual is required to participate in, is participating in, or is exempt from Cal-Learn or is 19 years old and has not yet earned a high school diploma or equivalent certificate.
- (d3) A noncitizen who is a victim of human trafficking, domestic violence or other serious crimes as specified in Section 42-431.23 who does not have authorization to work from the United States Citizenship and Immigration Services shall not be required to participate in job search.
 - (4A) Upon earning a high school diploma or its equivalent, the above individuals shall not be required, but may be permitted, to participate in job search activities as their first program assignments following an appraisal.
- ~~.532~~ (b) Upon completion of the appraisal specified in Section 42-711.52, all participants, ~~except those specified in Section 42-711.531 and .533,~~ required to participate in job search as their initial engagement activity, shall be assigned to participate for a period of up to four consecutive weeks in job search activities.
 - (a1) Job search activities may include use of job clubs to identify the participant's qualifications.
 - (b2) The CWD shall consider the skills and interests of participants in developing a job search strategy.
- ~~.533~~ (c) The period of job search activities may be shortened under the following circumstances:
 - (a1) The participants and the CWD agree that further job search activities would not be beneficial; or,
 - (b2) The CWD determines that the recipient will not benefit because he or she may suffer from an emotional or mental disability that will

limit or preclude the recipient's participation in welfare-to-work activities.

- .534 (d) Job search activities may be required in excess of four weeks if the CWD determines that the recipient's performance during job search indicates that extending the job search period is likely to result in unsubsidized employment.
- .535 (e) Individuals shall continue to seek employment throughout their participation in welfare-to-work activities.

.535 Family Stabilization as an Initial Engagement Activity

- (a) A recipient assigned to Family Stabilization as his or her initial engagement activity shall participate in Family Stabilization in accordance with Section 42-749.
- (b) At the conclusion of Family Stabilization, the recipient shall be referred to assessment.
 - (1) A recipient who has completed assessment prior to the conclusion of Family Stabilization shall not be referred to assessment, unless the CWD determines an updated assessment is necessary to develop a welfare-to-work plan.

.536 Mental Health, Substance Abuse, or Domestic Abuse Services as an Initial Engagement Activity

- (a) A recipient may be assigned to substance abuse services as described in Section 42-711.57, mental health services as described in Section 42-711.56, or domestic abuse services as described in Section 42-715, as appropriate, for a period of four consecutive weeks.
 - (1) This four-week period may be extended if the CWD determines that additional services are necessary in order to complete assessment and the welfare-to-work plan development process.
- (b) If, at appraisal, the CWD determines that mental health, substance abuse, or domestic abuse services as an initial engagement activity may be necessary in excess of four consecutive weeks, the CWD shall concurrently refer the individual to assessment and any assignment to additional services shall be part of a welfare-to-work plan as described in Section 42-711.6.
- (c) **Domestic abuse services as an initial engagement activity shall be assigned in accordance with Section 42-715.**

.54 (Continued)

.55 Assessment

.551 Participants, except those excluded as provided in Section 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~~ initial engagement activities will be shortened or bypassed because they are not likely to lead to employment or are otherwise not be beneficial;
- (c) ~~The CWD decides to shorten job search because it is not likely to lead to employment, or;~~
- (c) The CWD determines that participation in mental health, substance abuse, or domestic abuse services as initial engagement activities are required in excess of four consecutive weeks;
- (d) The CWD determines that the individual would benefit from additional education or training prior to participation in other activities, or;
- (de) The CWD determines that participation in ~~job search~~ initial engagement activities 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 he or she does not have authorization to work from the United States Citizenship and Immigration Services.
(Continued)

.554 The assessment shall include at least all of the following: (Continued)

- (h) Other information gathered during the participant's appraisal.
- (i) Other information gathered during participation in Family Stabilization.

.555 (Continued)

.6 Welfare-to-Work Plan and Universal Engagement (Continued)

.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~~ initial engagement activities, as specified in Section 42-711.53, ~~is if these activities are 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.~~ Initial engagement activities are considered to be initiated when an individual is referred for participation in the initial engagement activity. (Continued)

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(a), 11320.1(b), 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, 11325.2(a), (b) and (c), 11325.21, 11325.22, 11325.23, 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).

Amend Section 42-716 to read:

42-716 WELFARE-TO-WORK ACTIVITIES

42-716

.1 Upon the completion of ~~job-search~~ initial engagement 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.
(Continued)

.8 Expanded Subsidized Employment

.81 Eligibility for entry into expanded subsidized employment under this section shall be limited to individuals who meet one of the following criteria:

.811 Aided CalWORKs recipients participating in the Welfare-to-Work Program.

(a) These individuals may continue to participate in a county's expanded subsidized employment program if the family becomes ineligible for CalWORKs aid due to expanded subsidized employment income.

.812 Individuals in welfare-to-work sanction status as described in Section 42-721.4 who will cure their sanctions through expanded subsidized employment participation.

(a) Expanded subsidized employment participants who cure their sanctions through expanded subsidized employment must maintain compliance with welfare-to-work requirements to continue in an expanded subsidized employment placement.

.82 Expanded subsidized employment wage subsidies are limited to a maximum of six months for each participant, unless the county determines that the participant meets the requirements for an extension.

.821 Extensions to expand subsidized employment placements may be granted no more than twice, in three-month increments, not to exceed a total placement of 12 months. The county shall grant an extension if the additional time will increase the likelihood of either of the following:

(a) The participant obtaining unsubsidized employment with the participating employer.

(b) The participant obtaining specific skills and experiences relevant for unsubsidized employment for a particular field.

.822 The reason for each extension must be recorded in the participant's CalWORKs case file.

.83 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 expanded subsidized employment income.

.831 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.

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, 11322.64, 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.

Adopt Section 42-749 to read:

42-749 FAMILY STABILIZATION

42-749

.1 General Provisions and Applicability

.11 If, in the course of appraisal, pursuant to Section 42-711.52, or at any point during an individual's participation in welfare-to-work activities pursuant to Section 42-708.11, it is determined that the individual meets the criteria described in this section, the individual shall be eligible to participate in Family Stabilization.

.12 Individuals shall be eligible to participate in Family Stabilization if the CWD determines that their family is experiencing an identified situation or crisis that is destabilizing the family and would impair their ability to be regularly employed or participate in welfare-to-work activities.

.121 A situation or a crisis that is destabilizing the family in accordance with paragraph .11 may include, but shall not be limited to the following:

(a) Homelessness or imminent risk of homelessness.

(b) A lack of safety due to domestic abuse pursuant to Section 42-715.

(c) Untreated or undertreated behavioral needs, including mental health or substance abuse-related needs.

.13 Individuals who are exempt from participation as described in Section 42-712, shall be eligible to participate in Family Stabilization if the CWD determines that participation in Family Stabilization will enable future participation in welfare-to-work.

.2 CWD Family Stabilization Plans

.21 Each CWD shall submit to the CDSS a plan, as defined by the CDSS, regarding how it intends to implement the provisions of this section.

.211 Family stabilization services provided to individuals are to be described in the CWD Family Stabilization plan pursuant to Section 42-749.21.

.22 If a CWD makes significant changes to its Family Stabilization program, a revised CWD Family Stabilization plan must be submitted to the CDSS as they occur.

.3 Family Stabilization Services

- .31 Family stabilization services may be offered to the family in addition to those barrier removal services otherwise provided by a CWD's Welfare-to-Work Program.
- .32 CWDs may offer housing and other needed services for any month in which a family is participating in the Family Stabilization Program.
- .4 Family Stabilization Intensive Case Management

 - .41 Each CWD shall provide intensive case management to individuals who are eligible for Family Stabilization under this section.
- .5 Individual Family Stabilization Plans

 - .51 Upon determination that a family qualifies for Family Stabilization, the CWD shall develop a Family Stabilization plan for the family.

 - .511 CWD Family Stabilization case managers shall develop a comprehensive plan that assists the family in resolving the identified situation or crisis.
 - .512 CWDs shall ensure that all staff developing Family Stabilization plans are provided all applicable training, and have the experience and skills necessary to provide support to families and individuals in crisis.
 - .52 For the purposes of beginning to count months toward the Welfare-to-Work 24-Month Time Clock, as described in Section 42-708.22, an individual Family Stabilization Plan shall be used in place of a welfare-to-work plan as described in Section 42-711.6.
 - .53 In a two-parent household, all adults are required to have an individual Family Stabilization plan if determined eligible pursuant to this section.
- .6 Participation in Family Stabilization

 - .61 Individuals participating in Family Stabilization are not subject to the minimum hourly participation requirements described in Section 42-711.4, for so long as the individual complies with the requirements of their Family Stabilization plan.
 - .62 Months that individuals participated in the Family Stabilization Program shall not count toward their Welfare-to-Work 24-Month Time Clock, pursuant to Section 42-708.322, for up to six cumulative months if the CWD makes a determination of good cause, in accordance with Section 42-713.
 - .63 Family Stabilization participants must not be sanctioned as a direct result of failing to comply with their Family Stabilization plan.

.631 Family Stabilization participants refusing or unable to follow their Family Stabilization plans, without good cause as described in Section 42-749.62, are to be returned to the traditional Welfare-to-Work Program.

.7 Transitioning to Welfare-to-Work

.71 Section 42-711.535 shall apply to individuals who are participating in Family Stabilization as an initial engagement activity.

.72 For an individual who was participating in a welfare-to-work plan, the CWD shall make a determination as to whether the individual's prior welfare-to-work plan is still appropriate or if, as a result of Family Stabilization, his or her situation has changed and the individual requires reassessment and a new welfare-to-work plan.

.721 If applicable, a referral to an assessment shall be included in an individual's Family Stabilization plan and an assessment must occur prior to an individual's transition into welfare-to-work.

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

Reference: Sections 11322.85, 11325.2, 11325.24, 11325.4, Welfare and Institutions Code; AB 74 (Chapter 21, Statutes of 2013), Section 35; SB 855 (Chapter 29, Statutes of 2014), Section 69; 45 CFR 260; and 42 U.S.C. 607(c) and (d).

Amend Section 44-207 to read:

44-207 INCOME ELIGIBILITY

44-207

.1 The following financial eligibility test shall be applied to applicant cases.

.11 An applicant family shall not be eligible for cash aid unless the family's income, exclusive of the first ninety dollars (\$90) of earned income for each employed person, is less than the Minimum Basic Standard of Adequate Care (MBSAC) for the family.

.111 An individual who applies for CalWORKs after leaving aid due to AB 98 subsidized employment income as described in Sections 42-716.81-721(a) and 42-716.813723(a) or expanded subsidized employment income as described in Section 42-716.81 shall be considered a current recipient for the purpose of determining CalWORKs financial eligibility. (Continued)

Authority Cited: Sections 10553, 10554, 11450, 11450.025, and 11453, Welfare and Institutions Code.

Reference: Sections 10553, 10554, 11017, 11157, 11255, 11265.1, 11265.2, 11265.3, 11280, 11322.63(b), 11322.64(f), 11450.025, 11450.5, 11450.12, 11450.13, and 11451.5, Welfare and Institutions Code; 45 CFR 206.10(a)(1)(vii); 45 CFR 233.20(a)(2)(i) and (xiii); (a)(3)(ii)(F), (a)(3)(vi)(B), (a)(3)(xiv), and (a)(3)(xiv)(B); and Darces v. Woods (1984) 35 Cal. 3d 871; Petrin v. Carlson Court Order, Case No. 638381, May 12, 1993; Rutan v. McMahon, Case No. 612542-L (Alameda Superior Court) February 19, 1988; Letter from Department of Health and Human Services (DHSS), December 5, 1990; Johnson v. Carlson Stipulated Judgment; Ortega v. Anderson, Case No. 746632-0 (Alameda Superior Court) July 11, 1995; Federal Terms and Conditions for the California Assistance Payments Demonstration Project as approved by the United States Department of Health and Human Services on October 30, 1992; Federal Terms and Conditions for the California Work Pays Demonstration Project as approved by the United States Department of Health and Human Services on March 9, 1994; United States Department of Health and Human Services, Office of Family Assistance, Aid to Families with Dependent Children Action Transmittal No. ACF-AT-95-10 dated September 19, 1995; and Letters from the Department of Health and Human Services, Administration for Children and Families, dated February 29, 1996, March 11, 1996, and March 12, 1996.

UPDATED INFORMATIVE DIGEST

Assembly Bill (AB) 74 (Chapter 21, Statutes of 2013) made substantial changes to the California Work Opportunity and Responsibility to Kids (CalWORKs) Welfare-to-Work Program requirements that were effective January 1, 2014. The CalWORKs Welfare-to-Work Program is the employment and training component of CalWORKs which is funded, in part, by the federal Temporary Assistance for Needy Families (TANF) block grant.

Federal welfare reform enacted the TANF Program through the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) in 1996, limiting federally-funded cash aid to adult recipients 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 individuals within the adult CalWORKs population to aid them in achieving economic self-sufficiency within this timeframe.

These proposed regulations amend welfare-to-work regulations to comply with AB 74 by adopting expanded subsidized employment as a permitted welfare-to-work activity distinct from other forms of subsidized employment, implementing a more comprehensive appraisal and early engagement process for welfare-to-work participation, and adopting the Family Stabilization Program to assist clients in crisis.

In addition, the proposed regulations will make other technical, conforming changes, such as adding and renumbering of sections and amending cross references as necessary.

This regulatory action will establish programs and flexibility within the 24-month time period during which recipients can participate in any welfare-to-work activity they need, consistent with their assessments, to help them move to self-supporting employment. These regulations are intended to provide employment and training services to the maximum possible number of the CalWORKs population to aid them in achieving economic self-sufficiency. This regulatory action does not make changes to regulations involving worker safety or the state's environment.

The Department considered other possible related regulations in this area, and we find that these are the only regulations dealing in this subject area (CalWORKs welfare-to-work employment and training services), and therefore, the Department finds that these proposed regulations are compatible and consistent with the intent of the Legislature in adopting AB 74, as well as with existing state regulations.

These regulations were considered at the public hearing held on September 2, 2015 in Sacramento, California. Written testimony was received during the 45-day comment period and as a result, the following amendments were made to the emergency regulations:

- **Section 42-711.525(b) is amended to include consideration for domestic abuse waivers in addition to domestic abuse services. The intent of this modification is to reduce confusion and ensure equitable treatment of participants across the state.**

- **Section 42-711.525(c) is adopted to clarify that an individual cannot be compelled to answer individual questions in the expanded and standardized appraisal. If an individual has no knowledge, or is not comfortable answering individual questions about private information during the appraisal, the individual is to still be considered compliant with program requirements.**
- **Section 42-711.536(c) is adopted to align the treatment of domestic abuse services as an initial engagement activity with existing regulations governing domestic abuse services. This section is intended to ensure that participants identified as needing domestic abuse services are provided those specified services.**

FINAL STATEMENT OF REASONS

a) Specific Purpose of the Regulations and Factual Basis for Determination that Regulations Are Necessary

Section 41-440.221

Specific Purpose:

This section is amended to revise the cross-reference to the Assembly Bill (AB) 98 subsidized employment from 42-716.811(a) to 42-716.721(a) and from 42-716.813(a) to 42-716.723(a). This section is also amended so that the former California Work Opportunity and Responsibility to Kids (CalWORKs) recipients who became ineligible for cash aid due to expanded subsidized employment income can be considered current CalWORKs recipients for the purpose of establishing unemployment deprivation when they reapply for CalWORKs cash aid within three calendar months of the expanded subsidized employment subsidy ending.

Factual Basis:

This amendment is necessary to comply with Welfare and Institutions Code section 11322.64(f), as adopted by AB 74 (Chapter 21, Statutes of 2013), Section 25, so that the former CalWORKs recipients who became ineligible for cash aid due to expanded subsidized employment income can be considered current CalWORKs recipients for the purpose of establishing unemployment deprivation when they reapply for CalWORKs cash aid within three calendar months of the expanded subsidized employment subsidy ending.

Section 42-711.513

Specific Purpose:

This section is adopted to clarify when an individual, returns to CalWORKs following a period of not receiving aid, would be treated as a new participant in welfare-to-work. This section specifies that after six months of not receiving aid, an individual is to be treated as a new welfare-to-work participant, which would include reevaluation of how his or her life circumstances may have changed since they were last on aid and how those circumstances impact the types of services that are necessary in order for the individual to be successful in the Welfare-to-Work Program.

Factual Basis:

This adoption is necessary to clarify the requirements of new participants contained in Welfare and Institutions Code sections 11320.1 and 11325.23. Section 11320.1 was

adopted by AB 74, Section 22, to expand the welfare-to-work initial engagement activities for an individual who has been approved for aid. The new, in-depth appraisal process described in proposed Section 42-711.523 represents a significant increase in county worker time spent on an individual's appraisal. In order to limit the administrative burden, the California Department of Social Services (CDSS) is implementing a six month period, after which an individual must be treated as a new participant for the purposes of appraisal.

Six months represent a period of time after which it is reasonable to assume that the individual's circumstances may have changed from the initial appraisal. Since the individual is treated as a new participant for the purposes of appraisal, the appraisal would also be the time when he or she is "required to participate" pursuant to Welfare and Institutions Code section 11325.23, which governs qualifications for Self-Initiated Programs (SIPs). This section is also adopted under the provisions of Welfare and Institutions Code section 10533, which provides the Director of CDSS with the authority to adopt regulations to ensure consistency in the administration of the CalWORKs Program.

Section 42-711.513(a)

Specific Purpose:

This section is adopted to specify that an individual who is sanctioned, or otherwise has his or her needs removed from the assistance unit's grant due to noncompliance with or violation of program rules, would not be considered as a new participant in the Welfare-to-Work Program when he or she is restored to aid.

Factual Basis:

This adoption is necessary to specify who is to be considered as a new participant for purposes of the Welfare-to-Work Program, in accordance to Welfare and Institutions Code sections 11320.1 and 11325.23, in light of the requirements of section 11327.5. Section 11320.1 was adopted by AB 74, Section 22, to expand the welfare-to-work initial engagement activities for an individual who has been approved for aid. The new, in-depth appraisal process described in Section 42-711.523 represents a significant increase in county worker time spent on an individual's appraisal. In order to limit the administrative burden, CDSS is implementing a six month period, after which an individual must be treated as a new participant for the purposes of appraisal and Self-Initiated Program consideration, proposed for Section 42-711.513.

This section is adopted to ensure that individuals whose needs are removed from the assistance unit's grant due to failure to comply with CalWORKs Program requirements are not considered to be off aid for the purposes of this section. This adoption is necessary to ensure that individuals who comply with program requirements are not unfairly disadvantaged relative to individuals who are penalized for failure to comply with CalWORKs Program rules. Failure to comply includes noncompliance with welfare-to-work program requirements, needs removed from the assistance unit's grant due to penalty (current Section 40-105), or ineligibility due to an intentional program violation (current

Section 20-353). This section is also adopted under the provisions of Welfare and Institutions Code section 10533, which provides the Director of CDSS with the authority to adopt regulations to ensure consistency in the administration of the CalWORKs Program.

Section 42-711.522

Specific Purpose:

This section is amended to specify the requirement of a separate welfare-to-work orientation activity prior to an individual's appraisal.

Factual Basis:

This amendment is necessary to clarify welfare-to-work orientation as a distinct activity that precedes appraisal as detailed in Welfare and Institutions Code section 11320.1(a). This section was adopted by AB 74, Section 22, to expand the welfare-to-work engagement activities for an individual who has been approved for aid. This includes a more robust appraisal process, intended to link welfare-to-work participants with the services necessary in order to have successful program participation outcomes. Orientation was originally represented in Section 42-711.52 as a listing of information that the individual must receive prior to or during appraisal; it did not specify it as a distinct activity from appraisal. Considering the adoption of the more robust and expanded appraisal process and since several items covered during orientation may affect an individual's appraisal (e.g. exemption criteria), specifying orientation as a separate activity from appraisal is necessary in order to provide clarification to county welfare departments regarding the intended flow of welfare-to-work engagement activities.

Section 42-711.522(a)

Specific Purpose:

This section is amended to correct erroneous cross-references. This section informs individuals who are entering the Welfare-to-Work Program of their ability to participate in any welfare-to-work activities that are consistent with their assessment during the Welfare-to-Work 24-Month Time Clock period, what the hourly participation requirements are during that 24-month period, and what the participation requirements are for individuals who have exhausted their Welfare-to-Work 24-Month Time Clock.

Factual Basis:

This amendment is necessary to align the welfare-to-work participation information that is provided to individuals when they are entering the Welfare-to-Work Program with the participation requirements that were established by SB 1041 (Chapter 47, Statutes of 2012). Specifically, Welfare and Institutions Code section 11322.85(a)(1) established the Welfare-to-Work 24-Month Time Clock and its participation requirements, and section

11322.85(a)(3), established the participation requirements for individuals who have exhausted their Welfare-to-Work 24-Month Time Clock period.

Section 42-711.522(b)(2)

Specific Purpose:

This section is adopted to establish that clients entering the Welfare-to-Work Program shall be informed of the requirements of the Welfare-to-Work 24-Month Time Clock, and the CalWORKs Federal Standards.

Factual Basis:

This adoption is necessary to inform new clients of the participation requirements that were established by SB 1041. Specifically, Welfare and Institutions Code section 11322.85(a)(1) established the Welfare-to-Work 24-Month Time Clock and its participation requirements, and section 11322.85(a)(3), established the participation requirements for individuals who have exhausted their Welfare-to-Work 24-Month Time Clock period.

Sections 42-711.523 through .523(k)

Specific Purpose:

Section 42-711.523 is amended to reflect the modified criteria for appraisal. An individual's appraisal now must include the series of items in proposed Sections 42-711.523(a) through (k). However, an individual cannot be compelled to provide information on all the topics.

Factual Basis:

This amendment is necessary to implement Welfare and Institutions Code section 11325.2(a). Section 11325.2(a) was adopted by AB 74, Section 30, to expand the required components of an individual's appraisal. Proposed Sections 42-711.523(a) through (k) represent what is now found in Welfare and Institutions Code section 11325.2(a)(1) through (10).

Section 42-711.525

Specific Purpose:

This section is adopted to require counties to use the statewide appraisal tool for all welfare-to-work appraisals. The CDSS will provide the tool beginning in April of 2015 to all county welfare departments. AB 74 required a standardized appraisal tool be developed by the state and provided to all county welfare departments. With the adoption of this section, all county welfare departments will be required to use the standardized tool, ensuring that individuals receive the same appraisal experience no matter which county they are appraised in.

Factual Basis:

This adoption is necessary to implement Welfare and Institutions Code section 11325.2(b), adopted by AB 74, Section 30, to require county welfare department use a standardized appraisal tool, selected and developed by CDSS, in assessing CalWORKs individuals' strengths for and barriers to work activities.

Section 42-711.525(a)

Specific Purpose:

This section is adopted to provide direction to county welfare departments regarding the results of the expanded and standardized appraisal described in Sections 42-711.523 and .525. If information collected during the appraisal indicates that the individual be referred to the Family Stabilization Program as described in Section 42-749 or that the individual may qualify for a welfare-to-work exemption as described in Section 42-712, then he or she must be evaluated for those services or the exemption before proceeding further in his or her welfare-to-work participation.

Factual Basis:

This adoption is necessary to implement Welfare and Institutions Code section 11325.2(c)(1) and (2), adopted by AB 74, Section 30. Section 11325.2(c)(1) requires county welfare departments to evaluate individuals for family stabilization services pursuant to Welfare and Institutions Code section 11325.24, if the individual's appraisal indicates that he or she may face barriers that impair his or her ability to participate in welfare-to-work. Welfare and Institutions Codes section 11325.2(c)(2) requires county welfare departments to evaluate individuals for exemptions from welfare-to-work if the individual's appraisal indicates that he or she may qualify for an exemption for participation in welfare-to-work.

Section 42-711.525(b)

Specific Purpose:

This section is adopted to provide direction to county welfare departments regarding the results of the expanded and standardized appraisal described in Sections 42-711.523 and .525. If information collected during the appraisal indicates that the individual may need domestic abuse services, he or she must be evaluated and (if appropriate) provided those services in accordance with Section 42-715.2.

Factual Basis:

This adoption is necessary to implement Welfare and Institutions Code section 11325.2(b). AB 74, Section 30, adopted section 11325.2(b) to require county welfare departments to use a standardized appraisal tool in order to assess CalWORKs individuals' strengths for, and

barriers to, work activities. Pursuant to existing Section 42-715.2, anytime a client is identified as a potential past or present victim of domestic abuse, he or she must be evaluated and provided services accordingly. As such, this section is adopted to ensure that individuals who are identified as being potential past or present victims of domestic abuse, through the more robust and expanded appraisal process proposed in Sections 42-711.523 and .525, are provided timely and necessary services in order to ensure their safety and wellbeing.

Final Modification:

As a result of testimony received, this section is modified to include consideration for domestic abuse waivers in addition to domestic abuse services. The intent of this modification is to reduce confusion and ensure equitable treatment of participants across the state. This modification is necessary to remain consistent with Section 42-715, which describes domestic abuse services and program waivers.

Post-Hearing Modification

Section 42-711.525(c)

Specific Purpose:

This section is adopted to clarify that an individual cannot be compelled to answer individual questions in the expanded and standardized appraisal described in Sections 42-711.523 and .525. If an individual has no knowledge, or is not comfortable answering individual questions about private information during the appraisal, the individual is to still be considered compliant with program requirements.

Factual Basis:

This adoption is necessary to implement Welfare and Institutions Code section 11325.2(b). AB 74, Section 30, adopted section 11325.2(b) to require county welfare departments to use a standardized appraisal tool in order to assess CalWORKs individuals' strengths for, and barriers to, work activities. Pursuant to existing Section 42-721, not participating in required activities or complying with program requirements can be cause for a welfare-to-work sanction. It is not the intent of CDSS to compel individuals to disclose personal, private information such as history of mental health or domestic abuse. As such, this section is adopted to provide that individuals would still be considered compliant with program requirements if they are uncomfortable disclosing personal, private information during their welfare-to-work appraisal. This section is adopted to provide further clarity to the welfare-to-work appraisal described in Sections 42-711.523 and 42-711.525.

Section 42-711.53

Specific Purpose:

This section is adopted to implement the welfare-to-work engagement activities now available to individuals immediately following appraisal. These activities include job search, family stabilization services, substance abuse services, mental health services, domestic abuse services or immediate referral to assessment.

Factual Basis:

This section is necessary to implement Welfare and Institutions Code section 11320.1(b), adopted by AB 74, Section 22, to expand the list of activities and services an individual may participate in after appraisal. Prior to AB 74, individuals were required to participate in job search immediately following appraisal. With the addition of mental health, substance abuse, domestic abuse, and family stabilization services as participation options immediately following appraisal, this section is named "initial engagement activities" in order to encompass all options that are now available.

Section 42-711.531

Specific Purpose:

This section is adopted to implement determination criteria for the various welfare-to-work initial engagement activities now available for individuals.

Factual Basis:

This adoption is necessary to implement Welfare and Institutions Code section 11320.1(b), adopted by AB 74, Section 22, to expand the list of welfare-to-work activities and services an individual may participate in after appraisal. Prior to AB 74, recipients were required to participate in job search immediately following appraisal. With the addition of mental health, substance abuse, domestic abuse, and family stabilization services as participation options immediately following appraisal, this section is intended to provide guidance to county welfare departments in determining which of these participation options is appropriate for an individual to participate in following his or her appraisal.

Section 42-711.531(a)

Specific Purpose:

This section is adopted to establish that an individual shall participate in job search as his or her welfare-to-work initial engagement activity unless another initial engagement activity is appropriate or necessary.

Factual Basis:

This adoption is necessary to implement Welfare and Institutions Code section 11320.1(b), adopted by AB 74, Section 22, to expand the list of welfare-to-work activities and services an individual may participate in after appraisal. Prior to AB 74, individuals were required to participate in job search immediately following appraisal. With the addition of mental health, substance abuse, domestic abuse, and family stabilization services as participation options immediately following appraisal, this section specifies that if none of these additional participation options are appropriate for the individual to participate in, then the individual should participate in job search immediately following appraisal.

This guidance is necessary in order to ensure consistency in program administration, which is allowable pursuant to Welfare and Institutions Code section 10533, which provides the Director of CDSS with the authority to adopt regulations to ensure consistency in the administration of the CalWORKs Program.

Section 42-711.531(b)

Specific Purpose:

This section is adopted to establish that an individual shall participate in Family Stabilization as his or her initial engagement activity, if he or she is evaluated and granted those services pursuant to Section 42-749.

Factual Basis:

This adoption is necessary to implement Welfare and Institutions Code section 11320.1(b), adopted by AB 74, Section 22, to expand the list of welfare-to-work activities and services an individual may participate in after appraisal. Prior to AB 74, individuals were required to participate in job search immediately following appraisal. With the addition of mental health, substance abuse, domestic abuse, and family stabilization services as participation options immediately following appraisal, this section specifies that if the individual is evaluated and granted Family Stabilization, he or she would participate in Family Stabilization as his or her initial engagement activity.

This guidance is necessary in order to ensure consistency in program administration, which is allowable pursuant to Welfare and Institutions Code section 10533, which provides the Director of CDSS with the authority to adopt regulations to ensure consistency in the administration of the CalWORKs Program.

Section 42-711.531(c)

Specific Purpose:

This section is adopted to establish that a recipient individual shall participate in substance abuse, mental health, or domestic abuse services as his or her initial engagement activity if the county welfare department determines that the services are appropriate.

Factual Basis:

This adoption is necessary to implement Welfare and Institutions Code section 11320.1(b) and 11325.2(c)(1), adopted by AB 74, Sections 22 and 30 respectively, to expand the list of activities a recipient may participate in after appraisal and require county welfare departments to refer individuals to the appropriate services if determined necessary. Prior to AB 74, individuals were required to participate in job search immediately following appraisal. With the addition of mental health, substance abuse, domestic abuse, and family stabilization services as participation options immediately following appraisal, this section specifies that if the county welfare department determines that any of these services are appropriate for the individual to participate in following appraisal, then he or she shall be referred to and participate in those activities as his or her initial engagement activity pursuant to Welfare and Institutions Code section 11320.1(b) and 11325.2(c)(1).

This guidance is necessary in order to ensure consistency in program administration, which is allowable pursuant to Welfare and Institutions Code section 10533, which provides the Director of CDSS with the authority to adopt regulations to ensure consistency in the administration of the CalWORKs Program.

Section 42-711.532

Specific Purpose:

This section is adopted to provide guidance regarding the assignment of concurrent initial engagement activities.

Factual Basis:

This adoption is necessary to implement Welfare and Institutions Code section 11320.1(b), adopted by AB 74, Section 22, to expand the list of welfare-to-work activities an individual may participate in immediately following appraisal. Prior to AB 74, individuals were required to participate in job search immediately following appraisal. With the addition of mental health, substance abuse, domestic abuse, and family stabilization services as participation options immediately following appraisal, this section is intended to provide guidance to county welfare departments regarding individuals that may qualify for multiple initial engagement activities or may be able to participate in job search while attending another initial engagement activity. The ability to participate in concurrent activities is intended to address the needs of welfare-to-work participants that may have multiple

barriers to participation, and allow county welfare departments the ability to better customize the period of initial engagement activities to best serve the participant's individual needs.

This guidance is necessary in order to ensure consistency in program administration, which is allowable pursuant to Welfare and Institutions Code section 10533, which provides the Director of CDSS with the authority to adopt regulations to ensure consistency in the administration of the CalWORKs Program.

Section 42-711.532(a)

Specific Purpose:

This section is adopted to clarify that initial engagement activities may be assigned concurrently or in sequence within the allotted four weeks of initial engagement immediately following appraisal adopted by proposed sections 42-711.534(d) and .536(a).

Factual Basis:

This adoption is necessary to implement Welfare and Institutions Code section 11320.1(b), adopted by AB 74, Section 22 to expand the list of welfare-to-work activities a recipient may participate in immediately following appraisal. Prior to AB 74, individuals were required to participate in job search immediately following appraisal. With the addition of mental health, substance abuse, domestic abuse, and family stabilization services as participation options immediately following appraisal, this section is intended to provide guidance to county welfare departments regarding individuals that may qualify for multiple initial engagement activities, or may be able to participate in job search while attending another initial engagement activity. The ability to participate in concurrent activities is intended to address the needs of welfare-to-work participants that may have multiple barriers to participation, and allow county welfare departments the ability to better customize the period of initial engagement activities to best serve the participant's individual needs.

This guidance is necessary in order to ensure consistency in program administration, which is allowable pursuant to Welfare and Institutions Code section 10533, which provides the Director of CDSS with the authority to adopt regulations to ensure consistency in the administration of the CalWORKs Program.

Section 42-711.533

Specific Purpose:

This section is adopted to establish criteria for determining whether a client should be immediately referred to welfare-to-work assessment following appraisal, bypassing the initial engagement activities period.

Factual Basis:

This adoption is necessary to implement Welfare and Institutions Code section 11320.1(c), adopted by AB 74, Section 22, which specifies that an individual may be immediately referred to assessment if initial engagement activities, including job search, would not benefit the individual. This section is necessary to address the needs of individuals that may require more intensive evaluations of barriers to participation, or who would benefit from additional education or training immediately following appraisal.

Section 42-711.533(a)

Specific Purpose:

This section is adopted to specify that an individual may be referred directly to welfare-to-work assessment if the county welfare department determines that job search immediately following appraisal would not benefit the individual and the individual is not in need of other initial engagement activities.

Factual Basis:

This adoption is necessary to implement Welfare and Institutions Code section 11320.1(c), adopted by AB 74, Section 22, which specifies that an individual may be immediately referred to assessment if the county welfare department determines that participation in job search is not likely to have successful outcomes (e.g. will not lead to employment within a given time frame) and that additional information is necessary in order to effectively determine the client's next appropriate welfare-to-work activity. Prior to AB 74, while individuals were able to bypass job search if the county welfare department determined that it would not readily lead to employment, with the adoption of additional activities which may be pursued immediately following appraisal (mental health, substance abuse, domestic abuse, and family stabilization services), this section is necessary so that individuals who would not readily benefit from any initial engagement activities (proposed Section 42-711.53), including job search, may be referred directly to assessment for the development of a welfare-to-work plan.

Section 42-711.533(b)

Specific Purpose:

This section is adopted to specify that an individual may be referred directly to welfare-to-work assessment if the county welfare department determines that the individual would benefit from education or training activities in place of any initial engagement activity.

Factual Basis:

This adoption is necessary to implement Welfare and Institutions Code section 11320.1(c), adopted by AB 74, Section 22, which specifies that an individual may be immediately

referred to assessment if the county welfare department determines that further information is needed to make an effective determination regarding the individual's next welfare-to-work activity. It is also necessary to establish consistency with existing Section 42-708.11, which specifies that an individual, who opts to utilize the activity flexibility of his or her Welfare-to-Work 24-Month Time Clock, may do so by participating in barrier removal activities or activities which are consistent with the individual's specific circumstances and career goals.

Prior to AB 74, individuals were able to bypass job search immediately following appraisal only if the county welfare department determined that job search would not benefit the individual. The addition of other initial engagement activities in AB 74, and the adoption of existing Section 42-708, following the passage of SB 1041 (Chapter 47, Statutes of 2012), have placed additional focus on the client's goals and circumstances, which may include a need for education in place of job search or other initial engagement activities. This guidance is necessary in order to ensure consistency in program administration, which is allowable pursuant to Welfare and Institutions Code section 10533, which provides the Director of CDSS with the authority to adopt regulations to ensure consistency in the administration of the CalWORKs Program.

Section 42-711.534 (Renumbered from Section 42-711.53)

Specific Purpose:

This section is renumbered from 42-711.53 and establishes job search as an initial engagement activity.

Factual Basis:

This amendment is necessary to implement Welfare and Institutions Code section 11320.1(b), adopted by AB 74, Section 22, which expanded the list of activities an individual may participate immediately following appraisal. This section represents the original job search provisions prior to AB 74, pursuant to Welfare and Institutions Code section 11325.22(a)(1). The section has been renumbered to appropriately accommodate this provision as an additional activity option available to individuals, as described in proposed Section 42-711.531 and 42.711.533, pursuant to Welfare and Institutions Code section 11320.1(b).

Section 42-711.534(a) (Renumbered from Section 42-711.531)

Specific Purpose:

This section is renumbered and amended to specify that job search is not necessary for individuals participating in other initial engagement activities, pursuant to proposed Sections 42-711.531(a) and (b), or is determined in need of an immediate referral to assessment, pursuant to proposed Section 42-711.533. It is also renumbered to remain consistent with the adoption of proposed Sections 42-711.531 through 42-711.533.

Factual Basis:

This amendment is necessary to implement Welfare and Institutions Code section 11320.1(b) and 11325.22(a)(1), adopted by AB 74, Sections 22 and 34 respectively, which expanded the list of activities an individual may participate immediately following appraisal. This section represents the original job search provisions prior to AB 74, pursuant to Welfare and Institutions Code section 11325.22(a)(1). The proposed section has been renumbered and amended as appropriate to accommodate the provision of additional activity options which are available to individuals, as described in proposed Section 42-711.531 and .533, pursuant to Welfare and Institutions Code section 11320.1(b).

Section 42-711.531(a) (Repeal)

Specific Purpose:

This section is repealed to remove an exemption to job search participation that was no longer necessary due to the adoption of proposed Section 42-711.531.

Factual Basis:

This repeal is necessary to implement Welfare and institutions Code section 11320.1(b), as amended by AB 74, Section 22, and to remain consistent with the adoption of proposed Section 42-711.531. With the adoption of proposed Section 42-711.531, which provides guidance to county welfare departments on how to determine which initial engagement activity(ies) is appropriate to assign to a welfare-to-work participant, it is no longer necessary to provide this specific exemption to the job search activity.

Sections 42-711.534(a)(1) through (a)(3)(A) (Renumbered from Sections 42-711.531(b) through (d)(1) respectively)

Specific Purpose:

These sections are renumbered in order to accommodate the renumbering of Section 42-711.53 to 42-711.534.

Factual Basis:

These amendments are necessary for clarity and consistency to accommodate the renumbering of Section 42-711.53 to 42-711.534, and to retain consistency within Section 42-711.53.

Sections 42-711.534(b) through (b)(2) (Renumbered from Sections 42-711.532 through .532(b) respectively)

Specific Purpose:

Renumbered Section 42-711.534(b) is amended to remove references to exceptions to job search, and instead clarify that the job search restrictions and requirements only apply to those recipients required to participate in job search as their initial engagement activity. Sections 42-711.532 through .532(b) are renumbered to 42-711.534(b) through (b)(2) respectively, in order to accommodate the renumbering of Section 42-711.53 to 42-711.534.

Factual Basis:

These amendments are necessary to implement Welfare and Institutions Code section 11320.1(b), adopted by AB 74, Section 22, which expanded the activities that an individual may be required to participate in immediately following appraisal, while also retaining specific existing rules governing the assignment of job search post appraisal found in Welfare and Institutions Code section 11325.22(a)(1). These amendments change the population affected in this section from all individuals, to only those required to participate in job search as an initial engagement activity pursuant to proposed Section 42-711.531(a). The amendments are consistent with proposed Section 42-711.531, which provides guidance to county welfare departments on determining the assignment of initial engagement activities.

Sections 42-711.534(c) through (c)(2) (Renumbered from Sections 42-711.533 through .533(b) respectively)

Specific Purpose:

These sections are renumbered from Sections 42-711.533 through .533(b) respectively in order to accommodate the renumbering of Section 42-711.53 to 42-711.534.

Factual Basis:

These amendments are necessary for clarity and consistency to accommodate the renumbering of Section 42-711.53 to 42-711.534, and to retain consistency within Section 42-711.53.

Sections 42-711.534(d) and (e) (Renumbered from Sections 42-711.534 and .535 respectively)

Specific Purpose:

These sections are renumbered from Sections 42-711.534 and .535 respectively in order to accommodate the renumbering of Section 42-711.53 to 42-711.534.

Factual Basis:

These amendments are necessary for clarity and consistency to accommodate the renumbering of Section 42-711.53 to 42-711.534, and to retain consistency within Section 42-711.53.

Section 42-711.535

Specific Purpose:

This section is adopted to specify how individuals may participate in Family Stabilization as an initial engagement activity.

Factual Basis:

This adoption is necessary to implement Welfare and Institutions Code sections 11320.1(b), adopted by AB 74, Section 22, which expanded what activities an individual may be required to participate in immediately following appraisal, and 11325.24, which establishes the Family Stabilization Program. Prior to AB 74, individuals were required to participate in job search immediately following appraisal. With the expansion of activities an individual may participate in after appraisal, this section is adopted to specify how individuals may participate in Family Stabilization, described in Welfare and Institutions Code section 11325.24, as an initial engagement activity.

Section 42-711.535(a)

Specific Purpose:

This section is adopted to specify that individuals who are assigned to Family Stabilization as their initial engagement activity shall participate in family stabilization activities in accordance with proposed Section 42-749.

Factual Basis:

This adoption is necessary to implement Welfare and Institutions Code sections 11320.1(b), adopted by AB 74, Section 22, which expanded what activities a participant may be required to participate in immediately following appraisal, and 11325.24, which establishes the Family Stabilization Program. This section is adopted to require that individuals assigned to Family Stabilization as their initial engagement activity shall participate in accordance with family stabilization program requirements, specified in proposed Section 42-749.

Section 42-711.535(b)

Specific Purpose:

This section is adopted to specify that individuals who are assigned to Family Stabilization as their initial engagement activity will return to welfare-to-work participation, which may include an assessment and development of a welfare-to-work plan, at the end of their family stabilization activities.

Factual Basis:

This adoption is necessary to implement Welfare and Institutions Code sections 11320.1(b), adopted by AB 74, Section 22, which expanded what activities a participant may be required to participate in immediately following appraisal, and 11325.24, which establishes the Family Stabilization Program. This section is adopted to require that individuals, who complete Family Stabilization during their period of initial engagement, shall be referred to an assessment in order to develop a welfare-to-work plan immediately following their period of Family Stabilization. This is to ensure statewide consistency in welfare-to-work process flow, and to ensure consistency with family stabilization requirements specified in proposed Section 42-749.

Section 42-711.535(b)(1)

Specific Purpose:

This section is adopted to specify that individuals who are assigned to Family Stabilization during their initial engagement activity, who have already completed assessment before or during their family stabilization activities (e.g. those who concurrently participated in welfare-to-work activities), would not be required to attend a second assessment upon completion of their Family Stabilization Plans.

Factual Basis:

This adoption is necessary to implement Welfare and Institutions Code sections 11320.1(b), adopted by AB 74, Section 22, which expanded what activities a participant may be required to participate in immediately following appraisal, and 11325.24, which establishes the Family Stabilization Program. This section is adopted to clarify that individuals who have completed assessments prior to the completion of Family Stabilization shall not be referred to assessment unless the county welfare department determines a new assessment is necessary in order to determine the next appropriate activity for the individual. This adoption is intended to avoid placing unnecessary burden on an individual and a county welfare department.

Further this guidance is necessary in order to ensure consistency in program administration, which is allowable pursuant to Welfare and Institutions Code section 10533, which provides

the Director of CDSS with the authority to adopt regulations to ensure consistency in the administration of the CalWORKs Program.

Section 42-711.536

Specific Purpose:

This section is adopted to specify how individuals may participate in mental health, substance abuse, or domestic violence services as initial engagement activities.

Factual Basis:

This adoption is necessary to implement Welfare and Institutions Code section 11320.1(b), adopted by AB 74, Section 22, which expanded what activities a participant may be required to participate in immediately following appraisal. This section is adopted to specify how individuals may participate in substance abuse services as described in current Section 42-711.57, mental health services as described in current Section 42-711.56, or domestic abuse services as described in current Section 42-715, as their initial engagement activities.

Section 42-711.536(a)

Specific Purpose:

This section is adopted to limit the participation in mental health, substance abuse, or domestic abuse services as a part of an individual's initial engagement activity to four consecutive weeks.

Factual Basis:

This adoption is necessary to implement Welfare and Institutions Code section 11320.1(b), adopted by AB 74, Section 22, to expand what activities an individual may participate in immediately following appraisal. Prior to AB 74, individuals were required to participate in job search immediately following appraisal for a period of time limited to four consecutive weeks pursuant to Welfare and Institutions Code section 11325.22. After four consecutive weeks, if the individual was unsuccessful in obtaining employment, the county welfare department would be required to assess the individual for additional employment barriers pursuant to Welfare and Institutions Code section 11325.4 and develop a welfare-to-work plan for the individual pursuant to Welfare and Institutions Code section 11325.21. The four week limitation to job search ensured that individuals would enter into a welfare-to-work plan within a specific time period after being determined eligible for CalWORKs aid, required by Welfare and Institutions Code section 11325.21(a).

With the addition of mental health, substance abuse, domestic abuse, and family stabilization services as participation options immediately following appraisal, this section is intended to ensure that participants are treated equitably no matter what activity or activities they are assigned to participate in immediately following appraisal. While there is

a limit on mental health, substance abuse, or domestic abuse services as initial engagement activities, these activities may also be assigned to an individual as part of his or her welfare-to-work plan as described in current Sections 42-711.6 and 42-716. The four week limit is intended to ensure that individuals assigned to these specific initial engagement activities receive services promptly, and are able to receive services as part of a welfare-to-work plan if more extensive and long term services are needed. The four week limit to these specific activities is also intended to ensure individuals will enter into a welfare-to-work plan within a specific time period after being determined eligible for CalWORKs aid, as required by Welfare and Institutions Code section 11325.21(a).

Further, this guidance is necessary in order to ensure consistency in program administration, which is allowable pursuant to Welfare and Institutions Code section 10533, which provides the Director of CDSS with the authority to adopt regulations to ensure consistency in the administration of the CalWORKs Program.

Section 42-711.536(a)(1)

Specific Purpose:

This section is adopted to allow an extension of the four-week limit of specific initial engagement activities, described in proposed Section 42-711.536(a), if additional time is necessary in order for the county welfare department to complete an assessment and the welfare-to-work plan development process for an individual.

Factual Basis:

This adoption is necessary to implement Welfare and Institutions Code section 11320.1(b), adopted by AB 74, Section 22, to expand what activities an individual may participate in immediately following appraisal. While this proposed section allows for extensions to the four-week limit for specific initial engagement activities, as described in proposed Section 42-711.536(a), it ensures that such an extension is only allowable if it is deemed necessary in order for the county welfare department to assess and develop a suitable welfare-to-work plan for the individual. While providing for flexibility in program administration, this section helps ensure individuals will enter into a welfare-to-work plan within a specific time period after being determined eligible for CalWORKs aid, as required by Welfare and Institutions Code section 11325.21(a).

Further, this guidance is necessary in order to ensure consistency in program administration, which is allowable under the provisions of Welfare and Institutions Code section 10533, which provides the Director of CDSS with the authority to adopt regulations to ensure consistency in the administration of the CalWORKs Program.

Section 42-711.536(b)

Specific Purpose:

This section is adopted to require that individuals assigned to mental health, substance abuse, or domestic abuse services as an initial engagement activity shall be referred concurrently to assessment and the development of a welfare-to-work plan immediately following appraisal if the county welfare department determines that the individual will need such service in excess of four consecutive weeks.

Factual Basis:

This adoption is necessary to implement Welfare and Institutions Code section 11320.1(b), adopted by AB 74, Section 22, to expand what activities an individual may participate in immediately following appraisal. With the addition of mental health, substance abuse, domestic abuse, and family stabilization services as participation options immediately following appraisal, this section is intended to ensure that participants are treated equitably no matter what activity or activities they are assigned to participate in immediately following appraisal and that those, who are in need of more long term barrier removal activities, may receive such services promptly as part of a welfare-to-work plan. This also ensures that individuals will enter into a welfare-to-work plan within a specific time period after being determined eligible for CalWORKs aid, as required by Welfare and Institutions Code section 11325.21(a).

Further, this guidance is necessary in order to ensure consistency in program administration, which is allowable pursuant to Welfare and Institutions Code section 10533, which provides the Director of CDSS with the authority to adopt regulations to ensure consistency in the administration of the CalWORKs Program.

Post-Hearing Modification

Section 42-711.536(c)

Specific Purpose:

This section is adopted to align the treatment of domestic abuse services as an initial engagement activity with existing regulations governing domestic abuse services contained in Section 42-715.

Factual Basis:

This adoption is necessary to implement Welfare and Institutions Code section 11320.1(b), adopted by AB 74, Section 22, to expand what activities an individual may participate in immediately following appraisal. With the addition of domestic abuse as a participation option immediately following appraisal, this section is intended to ensure that participants identified as needing domestic abuse services are provided

those services in accordance with existing domestic abuse regulations contained within Section 42-715.

Section 42-711.551(a)

Specific Purpose:

This section is amended to change the reference for hours of participation in welfare-to-work from "Sections 42-711.411 or .421" to "Section 42-711.4."

Factual Basis:

This amendment is necessary for consistency with Welfare and Institutions Code section 11322.8, which outlines the required hours of participation for welfare-to-work participants. The specific hours of participation may vary significantly depending on the specific household composition, and whether or not the individual is participating according to CalWORKs federal standards or CalWORKs minimum standards, therefore the reference was changed to the more general reference to Section 42-711.4, which governs hours of participation.

Section 42-711.551(b)

Specific Purpose:

This section is amended to reflect the change in available activities in Section 42-711.53 from job search to job search, family stabilization, substance abuse, mental health, or domestic abuse services.

Factual Basis:

This amendment is necessary to implement Welfare and Institutions Code section 11320.1(b), as adopted by AB 74, Section 22, and retain consistency with proposed Section 42-711.53. With the addition of mental health, substance abuse, domestic abuse, and family stabilization services as activities an individual may participate in immediately following appraisal, Section 42-711.53 was renamed 'initial engagement activities' in order to encompass all options now available to individuals. This includes the potential option for individuals to bypass initial engagement activities in favor of assessment as outlined in proposed Section 42-711.533.

Section 42-711.551(c) (Repeal)

Specific Purpose/Factual Basis:

This section is repealed because its intent is now included in proposed Section 42-711.551(b).

Section 42-711.551(c) (Adopt)

Specific Purpose:

This section is adopted to specify that an individual, who requires mental health, substance abuse, or domestic abuse services in excess of four weeks, as described in proposed Section 42-711.534(a), must be referred directly to assessment for the development of a welfare-to-work plan.

Factual Basis:

This adoption is necessary to implement Welfare and Institutions Code sections 11320.1(b) and (c), as adopted by AB 74, Section 22, which specifies that an individual may be immediately referred to assessment if job search or any other initial engagement activity would not benefit the individual. This is also necessary to remain consistent with proposed Section 42-711.536(a), which requires a referral to assessment if the county welfare department determines that the participant requires more than four consecutive weeks in mental health, substance abuse, or domestic abuse services. Further, this guidance is necessary in order to ensure consistency in program administration, which is allowable pursuant to Welfare and Institutions Code section 10533, which provides the Director of CDSS with the authority to adopt regulations to ensure consistency in the administration of the CalWORKs Program.

Section 42-711.551(d)

Specific Purpose:

This section is adopted to instruct counties that an individual who would benefit from additional education or training prior to participation in other activities may be referred to assessment for the development of a welfare-to-work plan.

Factual Basis:

This adoption is necessary to implement Welfare and Institutions Code section 11320.1(b) and (c), as adopted by AB 74, Section 22, which specifies that an individual may be immediately referred to assessment if job search and other initial engagement activities would not benefit the individual. It is also necessary in order to ensure consistency with proposed Section 42-711.533(b), which specifies that an individual may be immediately referred to assessment after appraisal if the county welfare department determines that the individual would benefit from education or training prior to any other welfare-to-work activity assignment. Further, this guidance is necessary in order to ensure consistency in program administration, which is allowable pursuant to Welfare and Institutions Code section 10533, which provides the Director of CDSS with the authority to adopt regulations to ensure consistency in the administration of the CalWORKs Program.

Section 42-711.551(e) (Renumbered from Section 42-711.551(d))

Specific Purpose:

This section is amended to renumber current Section 42-711.551(d) to Section 42-711.551(e) to accommodate the adoption of proposed Section 42-711.551(d), and also to reflect the change in available activities proposed in Section 42-711.53 from only job search to all initial engagement activities (includes job search, family stabilization, mental health, substance abuse, and domestic abuse services).

Factual Basis:

This amendment is necessary to implement Welfare and Institutions Code section 11320.1(b), as adopted by AB 74, Section 22, and retain consistency with proposed Section 42-711.53. With the addition of mental health, substance abuse, domestic abuse, and family stabilization services as activities an individual may participate in immediately following appraisal, Section 42-711.53 was renamed 'initial engagement activities' in order to encompass all options now available to individuals. This amendment is also necessary for clarity and consistency to accommodate the adoption of proposed Section 42-711.551(d).

Section 42-711.554(h)

Specific Purpose:

This section is adopted to add to an individual's assessment a consideration of information gathered during the appraisal process.

Factual Basis:

This adoption is necessary to remain consistent with the new appraisal requirements described in proposed Section 42-711.523 and to ensure that information gathered during an individual's appraisal is considered during assessment, in order for the individual to receive consistent and necessary services throughout his or her participation on welfare-to-work. Further, this guidance is necessary in order to ensure consistency in program administration, which is allowable pursuant to Welfare and Institutions Code section 10533, which provides the Director of CDSS with the authority to adopt regulations to ensure consistency in the administration of the CalWORKs Program.

Section 42-711.554(i)

Specific Purpose:

This section is adopted to add to an individual's assessment a consideration of information gathered during the individual's participation in Family Stabilization, if applicable.

Factual Basis:

This adoption is necessary to remain consistent with proposed Section 42-711.535, which governs the assignment of Family Stabilization as an initial engagement activity. This section is adopted to ensure that information that may be gathered during an individual's participation in Family Stabilization is considered during assessment, in order for the individual to receive consistent and necessary services throughout his or her participation in welfare-to-work. Further, this guidance is necessary in order to ensure consistency in program administration, which is allowable pursuant to Welfare and Institutions Code section 10533, which provides the Director of CDSS with the authority to adopt regulations to ensure consistency in the administration of the CalWORKs Program.

Section 42-711.621

Specific Purpose:

This section is amended to remove the specific reference to job search and replace it with a reference to the initial engagement activities defined in proposed Section 42-711.53.

Factual Basis:

This amendment is necessary to implement Welfare and Institutions Code section 11320.1(b), adopted by AB 74, Section 22, and maintain consistency with proposed changes to Section 42-711.53, which renames the section from "job search" to "initial engagement activities" and provides instructions on the assignment of initial engagement activities following appraisal.

Section 42-711.621(a)

Specific Purpose:

This section is amended to establish when an initial engagement activity is considered initiated for the purposes of determining that individual's deadline for engagement in a welfare-to-work plan, as described in Section 42-711.621.

Factual Basis:

This amendment is necessary to implement Welfare and Institutions Code section 11320.1(b), adopted by AB 74, Section 22, and retain consistency with proposed Sections 42-711.53, which provides instructions on the assignment of initial engagement activities following appraisal, and 42-711.621, which establishes necessary deadlines by which an individual shall be engaged in a welfare-to-work plan. Prior to AB 74, job search was considered "initiated" when the individual began participation in that particular activity. AB 74 diversified the activities that an individual can participate in immediately following appraisal, some of which may not be immediately available.

With the addition of mental health, substance abuse, domestic abuse, and family stabilization services as potential initial engagement activities for the individual, this section is amended to provide direction as to when these types of activities are considered to be "initiated" for the purposes of the engagement deadlines described in current Section 42-711.62. This amendment ensures that all individuals are treated equally under the 30- and 90-day participation requirements described in Section 42-711.62, even if the assigned initial engagement activity has a later start date than job search. This guidance is also necessary in order to ensure consistency in program administration, allowable under the provisions of Welfare and Institutions Code section 10533, which provides the Director of CDSS with the authority to adopt regulations to ensure consistency in the administration of the CalWORKs Program.

Section 42-716.1

Specific Purpose:

This section is amended to change "job search activities" with "initial engagement activities."

Factual Basis:

This amendment is necessary to maintain consistency with proposed Section 42-711.53, which establishes rules for activities following appraisal. "Job search" is now an activity included in the newly-defined "initial engagement activities."

Section 42-716.8

Specific Purpose:

This section is adopted to introduce a new welfare-to-work activity that is a specific form of subsidized employment not covered by the subsidized employment entries in Sections 42-716.1(b) and (c).

Factual Basis:

This adoption is necessary to implement Welfare and Institutions Code section 11322.64, as adopted by AB 74, Section 25, to add expanded subsidized employment as a permitted welfare-to-work activity distinct from other forms of subsidized employment.

Section 42.716.81

Specific Purpose:

This section is adopted to introduce eligibility criteria for CalWORKs clients to participate in expanded subsidized employment as found in Section 42-716.811.

Factual Basis:

This adoption is necessary to implement Welfare and Institutions Code section 11322.64, as adopted by AB 74, Section 25, so that CalWORKs clients who are eligible to join the expanded subsidized employment program and are participating in welfare-to-work activities can join if they meet certain criteria. Further, this guidance is necessary in order to ensure consistency in program administration, which is allowable pursuant to Welfare and Institutions Code section 10533, which provides the Director of CDSS with the authority to adopt regulations to ensure consistency in the administration of the CalWORKs Program.

Sections 42-716.811 and .811(a)

Specific Purpose:

These sections are adopted so that current CalWORKs cash aid recipients participating in the expanded subsidized employment program remain eligible for their placement if their income exceeds CalWORKs cash aid income thresholds due to expanded subsidized employment income.

Factual Basis:

This adoption is necessary to implement Welfare and Institutions Code section 11322.64, as adopted by AB 74, Section 25, so that current CalWORKs cash aid recipients participating in welfare-to-work activities may be eligible to participate in expanded subsidized employment if income exceeds the threshold due to expanded subsidized employment income. Further, this guidance is necessary in order to ensure consistency in program administration, which is allowable pursuant to Welfare and Institutions Code section 10533, which provides the Director of CDSS with the authority to adopt regulations to ensure consistency in the administration of the CalWORKs Program.

Section 42-716.812

Specific Purpose:

This section is adopted because CalWORKs clients who are in sanction status described in 42-721.4 who will cure their sanctions through expanded subsidized employment participation are eligible to participate in the program.

Factual Basis:

This adoption is necessary to implement Welfare and Institutions Code section 11322.64, as adopted by AB 74, Section 25, so that CalWORKs clients who are in sanction status described in 42-721.4 are eligible to participate in the expanded subsidized employment program if this will cure their sanction. Further, this guidance is necessary in order to ensure consistency in program administration, which is allowable pursuant to Welfare and

Institutions Code section 10533, which provides the Director of CDSS with the authority to adopt regulations to ensure consistency in the administration of the CalWORKs Program.

Section 42-716.812(a)

Specific Purpose:

This section is adopted because expanded subsidized employment participants who cure their sanction through expanded subsidized employment must remain in compliance with welfare-to-work requirements in order to continue in an expanded subsidized employment position.

Factual Basis:

This adoption is necessary to implement Welfare and Institutions Code section 11322.64, as adopted by AB 74, Section 25, so that expanded subsidized employment program participants who cure their sanction through expanded subsidized employment must stay compliant with welfare-to-work requirements in order to continue in an expanded subsidized employment position. Further, this guidance is necessary in order to ensure consistency in program administration, which is allowable pursuant to Welfare and Institutions Code section 10533, which provides the Director of CDSS with the authority to adopt regulations to ensure consistency in the administration of the CalWORKs Program.

Section 42-716.82

Specific Purpose:

This section is adopted to describe the amount of time an expanded subsidized employment program participant is eligible to participate in a placement. A participant is eligible to participate in an expanded subsidized employment placement for up to a maximum of six months, unless the county welfare department determines that the participant is eligible for an extension.

Factual Basis:

This adoption is necessary to implement Welfare and Institutions Code section 11322.64(d), as adopted by AB 74, Section 25, so that CalWORKs clients may not be placed into an expanded subsidized employment placement for longer than six months unless the county welfare department determines they are eligible for an extension.

Section 42-716.821

Specific Purpose:

This section is adopted because expanded subsidized employment placements may be extended no more than twice, in three-month increments, not to exceed a total placement of

12 months. A participant is eligible for extension if the likelihood of obtaining unsubsidized employment or gaining specific skills and experiences for unsubsidized employment as described in Sections 42-716.821(a) or (b) are increased.

Factual Basis:

This adoption is necessary to implement Welfare and Institutions Code section 11322.64(d), as adopted by AB 74, Section 25, so that expanded subsidized employment placements that may result in obtaining unsubsidized employment or gaining specific skills and experiences for unsubsidized employment as described in Sections 42-712.821(a) or (b) may be extended, in three-month increments, not to exceed a total placement of 12 months.

Section 42-716.821(a)

Specific Purpose:

This section is adopted because expanded subsidized employment placements may be extended no more than twice, in three-month increments, not to exceed a total placement of 12 months. A participant may be eligible for extension if the likelihood of a participant obtaining unsubsidized employment with the employer is increased.

Factual Basis:

This adoption is necessary to implement Welfare and Institutions Code section 11322.64(d), as adopted by AB 74, Section 25, so that expanded subsidized employment participants may be eligible for placement extension if the likelihood of obtaining unsubsidized employment with the employer is increased.

Section 42-716.821(b)

Specific Purpose:

This section is adopted because expanded subsidized employment placements may be extended no more than twice, in three-month increments, not to exceed a total placement of 12 months. A participant may be eligible for extension if the participant obtains specific skills and experiences for unsubsidized employment for a particular field through the placement.

Factual Basis:

This adoption is necessary to implement Welfare and Institutions Code section 11322.64(d), as adopted by AB 74, Section 25, so that expanded subsidized employment participants may be eligible for placement extension if the participant gains specific skills and experiences for unsubsidized employment for a particular field through the placement.

Section 42-716.822

Specific Purpose:

This section is adopted because expanded subsidized employment placements may be extended no more than twice, in three-month increments, not to exceed a total placement of 12 months. The reason for each extension must be documented in the case file.

Factual Basis:

This adoption is necessary to implement Welfare and Institutions Code Section 11322.64(d), as adopted by AB 74, Section 25, so that expanded subsidized employment participants must have any placement extensions documented in their case file. Further, this guidance is necessary in order to ensure consistency in program administration, which is allowable pursuant to Welfare and Institutions Code section 10533, which provides the Director of CDSS with the authority to adopt regulations to ensure consistency in the administration of the CalWORKs Program.

Section 42-716.83

Specific Purpose:

This section is adopted because if an expanded subsidized employment participants' county plan includes welfare-to-work services, former recipients whose families become ineligible for CalWORKs due to expanded subsidized employment income must still be provided this service.

Factual Basis:

This adoption is necessary to implement Welfare and Institutions Code Section 11322.64(e), as adopted by AB 74, Section 25, so that expanded subsidized employment participants whose income exceeds CalWORKs thresholds, but whose county plan includes welfare-to-work services, are still eligible to receive welfare-to-work services.

Section 42-716.831

Specific Purpose:

This section is adopted because a county may provide welfare-to-work services to former recipients whose families become ineligible for CalWORKs due to expanded subsidized employment income if provided for in the county plan as described in 42-780. These services may be provided for up to 12 months of employment if these services are not available from other sources and are needed for the individual to retain the unsubsidized employment.

Factual Basis:

This adoption is necessary to implement Welfare and Institutions Code section 11322.64(e), as adopted by AB 74, Section 25, so that expanded subsidized employment participants whose income exceeds CalWORKs cash aid thresholds, but whose county plan includes welfare-to-work services, are still eligible to receive welfare-to-work services. Clients must be provided this service for up to 12 months of employment if these services are not available from other sources and are needed for the individual to retain the unsubsidized employment.

Section 42-749

Specific Purpose:

This section is adopted to introduce the Family Stabilization Program provisions, applicability, and requirements.

Factual Basis:

This adoption is necessary to implement Welfare and Institutions Code section 11325.24, adopted by AB 74, Section 35, in order to implement the Family Stabilization Program. The Family Stabilization Program was created to provide intensive case management and services to welfare-to-work participants who are experiencing a crisis and have time remaining on their 24-month time clock.

Section 42-749.1

Specific Purpose:

This section is adopted to introduce the general provisions and applicability of the Family Stabilization Program.

Factual Basis:

This adoption is necessary to implement Welfare and Institutions Code section 11325.24, adopted by AB 74, Section 35, in order to implement the Family Stabilization Program. The Family Stabilization Program was created to provide intensive case management and services to welfare-to-work participants who are experiencing a crisis and have time remaining on their 24-month time clock.

Section 42-749.11

Specific Purpose:

This section is adopted to establish that an individual may participate in family stabilization upon meeting eligibility requirements.

Factual Basis:

This adoption is necessary to implement Welfare and Institutions Code section 11325.24(a), adopted by AB 74, Section 35, in order to establish the Family Stabilization Program, which specifies that an individual may be eligible to participate at in the course of appraisal for the Welfare-to-Work Program or at any point during that individual's participation in welfare-to-work activities if it is determined that the individual meets the county welfare department's criteria and the appropriate services are offered by that county. This regulation is a substantial duplication of Welfare and Institutions Code section 11325.24(a), which is necessary to provide clear program requirements to the county welfare departments that administer the Welfare-to-Work Program at the local level. The county welfare departments rely solely on CDSS' Eligibility and Assistance Manual of program regulations to develop local procedures and rules.

Section 42-749.12

Specific Purpose:

This section is adopted to specify that an individual may participate in Family Stabilization if the county welfare department determines that his or her family is experiencing an identified situation or crisis that is destabilizing the family and impairs his or her ability to be regularly employed or participate in their assigned welfare-to-work activities.

Factual Basis:

This adoption is necessary to implement Welfare and Institutions Code section 11325.24(b)(1), adopted by AB 74, Section 35, in order to establish the Family Stabilization Program. Individuals who have been identified by the county welfare department as having a crisis or situation that impairs the individual's ability to be regularly employed or participate in welfare-to-work activities shall be referred to the Family Stabilization Program. The Family Stabilization Program was created to provide intensive case management and services to welfare-to-work participants who are experiencing a crisis, as described above, and have time remaining on their 24-month time clock. This regulation is a substantial duplication of Welfare and Institutions Code section 11325.24(b)(1), which is necessary to provide clear program requirements to the county welfare departments that administer the Welfare-to-Work Program at the local level. The county welfare departments rely solely on CDSS' Eligibility and Assistance Manual of program regulations to develop local procedures and rules.

Sections 42-749.121 through .121(c)

Specific Purpose:

These sections are adopted to specify situations or crisis that are destabilizing the family and may determine eligibility for Family Stabilization, including but not limited to homelessness, domestic violence, and untreated or undertreated behavioral needs.

Factual Basis:

This adoption is necessary to implement Welfare and Institutions Code sections 11325.24(a)(2) through (a)(2)(C), adopted by AB 74, Section 35, in order to implement the Family Stabilization Program. These sections provide specific examples of some of the types of crisis or situations that may qualify and individual for referral to the Family Stabilization Program. These regulations are a substantial duplication of Welfare and Institutions Code sections 11325.24(a)(2) through (a)(2)(C), which is necessary to provide clear program requirements to the county welfare departments that administer the Welfare-to-Work Program at the local level. The county welfare departments rely solely on CDSS' Eligibility and Assistance Manual of program regulations to develop local procedures and rules.

Section 42-749.13

Specific Purpose:

This section is adopted to specify that individuals who are exempt from participation in welfare-to-work shall be eligible to participate in Family Stabilization if the county welfare department determines that participation in Family Stabilization will enable future participation in welfare-to-work.

Factual Basis:

This adoption is necessary to comply with Welfare and Institutions Code section 11325.24(b)(1), adopted by AB 74, Section 35, in order to implement the Family Stabilization Program. Individuals who are exempt from welfare-to-work participation shall be eligible to participate in Family Stabilization if a determination has been made that participation in Family Stabilization will enable future participation in welfare-to-work.

Section 42-749.2

Specific Purpose:

This section is adopted to introduce how county welfare departments will notify the CDSS of how it intends to implement their Family Stabilization Program.

Factual Basis:

This adoption is necessary to implement Welfare and Institutions Code section 11325.24(e), adopted by AB 74, Section 35, in order to implement the Family Stabilization Program. The Family Stabilization Program was created to provide intensive case management and services to welfare-to-work participants who are experiencing a crisis and have time remaining on their 24-month time clock.

Section 42-749.21

Specific Purpose:

This section is adopted to establish that county welfare departments shall submit plans to the CDSS regarding how it intends to implement their Family Stabilization Program.

Factual Basis:

This adoption is necessary to implement Welfare and Institutions Code section 11325.24(e), adopted by AB 74, Section 35, in order to implement the Family Stabilization Program. County welfare department shall submit plans to the CDSS regarding how it intends to implement their Family Stabilization Program. Plans are required and posted online to efficiently provide access to the comprehensive array of family stabilization services being provided by a county welfare department. This regulation is a substantial duplication of Welfare and Institutions Code section 11325.24(e), which is necessary to provide clear program requirements to the county welfare departments that administer the Welfare-to-Work Program at the local level. The county welfare departments rely solely on CDSS' Eligibility and Assistance Manual of program regulations to develop local procedures and rules.

Section 42-749.211

Specific Purpose:

This section is adopted to establish that county welfare departments shall outline services provided to individuals and must be described in the County Welfare Department Family Stabilization Plan.

Factual Basis:

This adoption is necessary to comply with Welfare and Institutions Code section 11325.24(e), adopted by AB 74, Section 35, in order to implement the Family Stabilization Program. County welfare departments shall outline services that will be provided to individuals to efficiently provide access to the comprehensive array of family stabilization services being provided by a county welfare department.

Section 42-749.22

Specific Purpose:

This section is adopted to establish that if a county welfare department makes significant changes to its Family Stabilization Program, a revised County Welfare Department Family Stabilization Plan must be submitted to the CDSS.

Factual Basis:

This adoption is necessary to implement Welfare and Institutions Code section 11325.24(e), adopted by AB 74, Section 35, in order to implement the Family Stabilization Program. If a county welfare department makes significant changes to its Family Stabilization Program, a revised County Welfare Department Family Stabilization Plan must be submitted to the CDSS to efficiently provide access to the comprehensive array of family stabilization services being provided by a county welfare department.

Section 42-749.3

Specific Purpose:

This section is adopted to introduce the services that may be offered under the Family Stabilization Program.

Factual Basis:

This adoption is necessary to implement Welfare and Institutions Code section 11325.24(c), adopted by AB 74, Section 35, in order to implement the Family Stabilization Program. The Family Stabilization Program was created to provide intensive case management and services to welfare-to-work participants who are experiencing a crisis and have time remaining on their 24-month time clock.

Section 42-749.31

Specific Purpose:

This section is adopted to establish that services may be offered in addition to those barrier removal services otherwise provided by a County Welfare Department's Welfare-to-Work Program.

Factual Basis:

This adoption is necessary to comply with Welfare and Institutions Code section 11325.24(c), adopted by AB 74, Section 35, in order to implement the Family Stabilization Program. Individuals and their families who are otherwise required to or are volunteering to participate in the Welfare-to-Work Program may receive barrier removal services outside of

the Family Stabilization Program through participation in welfare-to-work activities. Additionally, services offered in the Family Stabilization Program may go above and beyond those offered in the Welfare-to-Work Program.

Section 42-749.32

Specific Purpose:

This section is adopted to specify that county welfare departments may offer housing and other needed services for any month in which a family is participating in the Family Stabilization Program.

Factual Basis:

This adoption is necessary to implement Welfare and Institutions Code section 11325.24(e), as amended by SB 855 (Chapter 29, Statutes of 2014), Section 69. Housing assistance and other services as related to the Family Stabilization Program may be provided to an individual and the individual's family while in the Family Stabilization Program for so long as the crisis or situation exists and the individual continues to be eligible for the Family Stabilization Program. This regulation is a substantial duplication of Welfare and Institutions Code section 11325.24(e), which is necessary to provide clear program requirements to the county welfare departments that administer the Welfare-to-Work Program at the local level. The county welfare departments rely solely on CDSS' Eligibility and Assistance Manual of program regulations to develop local procedures and rules.

Section 42-749.4

Specific Purpose:

This section is adopted to specify that Family Stabilization shall include intensive case management.

Factual Basis:

This adoption is necessary to implement Welfare and Institutions Code section 11325.24(c), adopted by AB 74, Section 35, in order to implement the Family Stabilization Program. The Family Stabilization Program was created to provide intensive case management and services to welfare-to-work participants who are experiencing a crisis and have time remaining on their 24-month time clock.

Section 42-749.41

Specific Purpose:

This section is adopted to specify each county welfare department shall provide intensive case management to individuals who are eligible for the Family Stabilization Program.

Factual Basis:

This adoption is necessary to implement Welfare and Institutions Code section 11325.24(c), adopted by AB 74, Section 35, in order to implement the Family Stabilization Program. County welfare departments must provide trained staff dedicated to family stabilization cases. Staff dedicated to the oversight of family stabilization cases must provide intensive case management to individuals in the Family Stabilization Program.

Section 42-749.5

Specific Purpose:

This section is adopted to specify that county welfare departments are to develop individual family stabilization plans.

Factual Basis:

This adoption is necessary to implement Welfare and Institutions Code section 11325.24(c), adopted by AB 74, Section 35, in order to implement the Family Stabilization Program. The Family Stabilization Program was created to provide intensive case management and services to welfare-to-work participants who are experiencing a crisis and have time remaining on their 24-month time clock.

Section 42-749.51

Specific Purpose:

This section is adopted to specify that upon determination that a family qualifies for Family Stabilization, the county welfare department shall develop a family stabilization plan for the family.

Factual Basis:

This adoption is necessary to implement Welfare and Institutions Code section 11325.24(c), adopted by AB 74, Section 35, in order to implement the Family Stabilization Program. In lieu of an individual developing and signing a welfare-to-work plan, individuals participating in the Family Stabilization Program must sign a family stabilization plan, which provides detailed information on the services that the individual and their family will receive while participating in the Family Stabilization Program.

Section 42-749.511

Specific Purpose:

This section is adopted to specify that County Welfare Department Family Stabilization Case Managers shall develop a comprehensive plan that assists the family in resolving the identified situation or crisis.

Factual Basis:

This adoption is necessary to implement Welfare and Institutions Code section 11325.24(c), adopted by AB 74, Section 35, in order to implement the Family Stabilization Program. Staff dedicated to the oversight of family stabilization cases must develop individual family stabilization plans that are comprehensive and assist the family in resolving the identified situation or crisis.

Section 42-749.512

Specific Purpose:

This section is adopted to specify that county welfare departments shall ensure that all staff developing family stabilization plans are provided all applicable training, and have experience and skills necessary to provide support to families and individuals in crisis.

Factual Basis:

This adoption is necessary to implement Welfare and Institutions Code section 11325.24(c), adopted by AB 74, Section 35, in order to implement the Family Stabilization Program. Staff dedicated to the oversight of family stabilization cases and responsible for individual family stabilization plans must be provided all applicable trainings, and have the experience and skills necessary to provide support to families and individuals in crisis.

Section 42-749.6

Specific Purpose:

This section is adopted to specify participation requirements in the Family Stabilization Program.

Factual Basis:

This adoption is necessary to implement Welfare and Institutions Code section 11325.24(b)(1), adopted by AB 74, Section 35, in order to implement the Family Stabilization Program. The Family Stabilization Program was created to provide intensive case management and services to welfare-to-work participants who are experiencing a crisis and have time remaining on their 24-month time clock.

Section 42-749.61

Specific Purpose:

This section is adopted to specify that individuals participating in Family Stabilization are not subject to the minimum hourly participation requirements for so long as the individual complies with the requirements of their family stabilization plan.

Factual Basis:

This adoption is necessary to implement Welfare and Institutions Code section 11325.24(b)(1), adopted by AB 74, Section 35, in order to implement the Family Stabilization Program. Individuals participating in the Family Stabilization Program are not subject to a minimum hourly participation requirement for so long as they are complying with the requirements of the family stabilization plan that the individual and the case worker created collaboratively.

Section 42-749.62

Specific Purpose:

This section is adopted to specify that months that individuals participated in the Family Stabilization Program shall not count toward their Welfare-to-Work 24-Month Time Clock for up to six cumulative months if the county welfare department makes a determination of good cause.

Factual Basis:

This adoption is necessary to implement Welfare and Institutions Code section 11322.85(b)(6), adopted by AB 74, Section 27, in order to implement the Family Stabilization Program. If a determination of good cause has been made, months that individuals participate in the Family Stabilization Program shall not count toward their Welfare-to-Work 24-Month Time Clock.

Section 42-749.63

Specific Purpose:

This section is adopted to specify that family stabilization participants must not be sanctioned as a direct result of failing to comply with their family stabilization plan.

Factual Basis:

This adoption is necessary to implement Welfare and Institutions Code section 11325.24(g), as amended by SB 855, Section 69. An individual's participation in family stabilization is

voluntary and if the individual fails to comply with the individual family stabilization plan, the individual is not to be sanctioned.

Section 42-749.631

Specific Purpose:

This section is adopted to specify that family stabilization recipients refusing or unable to follow their family stabilization plans, without good cause, are to be returned to the traditional Welfare-to-Work Program.

Factual Basis:

This adoption is necessary to implement Welfare and Institutions Code section 11325.24(g), as amended by SB 855, Section 69. Individuals refusing or unable to follow their family stabilization plans, without good cause, are to be returned to the traditional Welfare-to-Work Program.

Section 42-749.7

Specific Purpose:

This section is adopted to specify guidance for transitioning individuals to welfare-to-work from Family Stabilization.

Factual Basis:

This adoption is necessary to implement Welfare and Institutions Code section 11325.24(c), adopted by AB 74, Section 35, in order to implement the Family Stabilization Program. The Family Stabilization Program was created to provide intensive case management and services to welfare-to-work participants who are experiencing a crisis and have time remaining on their 24-Month Time Clock.

Section 42-749.71

Specific Purpose:

This section is adopted to provide guidance regarding individuals participating in Family Stabilization as an initial engagement activity.

Factual Basis:

This adoption is necessary to comply with Welfare and Institutions Code section 11325.24(c)(1), adopted by AB 74, Section 35, in order to implement the Family Stabilization Program. For purposes of transitioning individuals to welfare-to-work from

Family Stabilization, county welfare departments shall refer to the section regarding Family Stabilization as an initial engagement activity for guidance.

Section 42-749.72

Specific Purpose:

This section is adopted to specify individuals that were participating in a welfare-to-work plan are to have a determination made as to whether the individual's prior welfare-to-work plan is appropriate upon transition from the Family Stabilization Program.

Factual Basis:

This adoption is necessary to comply with Welfare and Institutions Code section 11325.24(c), adopted by AB 74, Section 35, in order to implement the Family Stabilization Program. If an individual has a prior welfare-to-work plan in place when they were determined eligible for Family Stabilization, the county welfare department shall make a determination upon transition from Family Stabilization as to whether the individual's prior welfare-to-work plan is still appropriate or if, as a result of Family Stabilization, his or her situation has changed and the individual requires reassessment and a new welfare-to-work plan.

Section 42-749.721

Specific Purpose:

This section is adopted to specify that if an assessment has not been completed, a referral to an assessment shall be included in an individual's family stabilization plan and an assessment must occur prior to an individual's transition into welfare-to-work.

Factual Basis:

This adoption is necessary to comply with Welfare and Institutions Code section 11325.24(c), adopted by AB 74, Section 35, in order to implement the Family Stabilization Program. If applicable, a referral to an assessment shall be included in an individual's family stabilization plan and an assessment must occur prior to an individual's transition into welfare-to-work.

Section 44-207.111

Specific Purpose:

This section is amended to revise the cross-reference to the AB 98 subsidized employment, from "Sections 42-716.811(a) and 42-716.813(a)" to "Sections 42-716.721(a) and 42-716.723(a)." This section is also amended so that the former CalWORKs recipients who became ineligible for cash aid due to expanded subsidized employment income can be

considered current CalWORKs recipients for the purpose of determining CalWORKs financial eligibility when they reapply for CalWORKs cash aid within three calendar months of the expanded subsidized employment subsidy ending.

Factual Basis:

This adoption is necessary to implement Welfare and Institutions Code section 11322.64(f), adopted by AB 74, Section 25, so that the former CalWORKs recipients who became ineligible for cash aid due to expanded subsidized employment income can be considered current CalWORKs recipients for the purpose of establishing CalWORKs financial eligibility when they reapply for CalWORKs cash aid within three calendar months of the expanded subsidized employment subsidy ending.

b) Identification of Documents Upon Which Department Is Relying

Assembly Bill 74, Chapter 21, Statutes of 2013, Sections 22, 24, 25, 27, 28, 30, 32, 34, 35, 36 and 49 and Senate Bill 855, Chapter 29, Statutes of 2014, Section 69

c) Local Mandate Statement

These proposed CalWORKs regulations do impose a mandate upon local agencies but not on school districts. The mandate is not required to be reimbursed pursuant to part 7 (commencing with Section 17500) of Division 4 of the Government Code or Section 6 of Article XIII B of the California Constitution because implementation of the regulations will, if anything, result in negligible savings.

d) Statement of Alternatives Considered

In developing the regulatory action, CDSS did not consider any other alternatives because no alternatives were proposed. Additionally, the Legislature mandated that regulations be adopted for these amendments and adoptions to the Welfare and Institutions Code sections 11320.1, 11322.63, 11322.64, 11322.85, 11323.25, 11325.2, 11325.21, 11325.22, 11325.24 and 11325.5 by AB 74 Chapter 21, Statutes of 2013.

The CDSS has determined that no reasonable alternative considered or that has otherwise been identified and brought to the attention of CDSS would be more effective in carrying out the purpose for which the regulations are proposed or would be as effective as and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

e) Statement of Significant Adverse Economic Impact On Business

The CDSS has determined that the proposed action will not have a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. This determination was made based

on the proposed regulatory action, which was designed to impact only the CalWORKs population in order to aid them in achieving economic self-sufficiency.

f) Economic Impact Assessment

In accordance with Government Code section 11346.3(b), the CDSS has made the following assessments regarding the proposed AB 74 (Chapter 21, Statutes of 2013) emergency regulations. The CDSS has made an initial determination that there is no impact on California businesses as a result of filing these regulations because these regulations are only applicable to state and county agencies.

This analysis is intended to be a tool or baseline to establish that these regulatory measures are the most cost-effective to affected California enterprises and equally effective in implementing the statutory policy or other provision of law.

Creation or Elimination of Jobs Within the State of California

The proposed regulations include changes to the CalWORKs Program by adopting expanded subsidized employment as a permitted welfare-to-work (WTW) activity distinct from other forms of subsidized employment, implementing a more comprehensive appraisal and early engagement process for WTW participation, and adopting the Family Stabilization Program to assist clients in crisis. In addition, the proposed regulations make technical, conforming changes, such as adding and renumbering of sections and amending cross references as necessary.

The proposed amendments will neither create nor eliminate jobs in the State of California. The justification for this statement is that the proposed regulations fine tune the existing CalWORKs WTW Program. The proposed regulations only pertain to current CalWORKs participants and are mandated by the State of California. Therefore, CDSS has determined that this regulatory proposal will not have an impact on the creation or elimination of jobs in the State of California.

Creation of New or Elimination of Existing Businesses Within the State of California

The proposed regulations include changes to CalWORKs by adopting expanded subsidized employment as a permitted welfare-to-work activity distinct from other forms of subsidized employment, implementing a more comprehensive appraisal and early engagement process for WTW participation, and adopting the Family Stabilization Program to assist clients in crisis. In addition, the proposed regulations makes technical, conforming changes, such as adding and renumbering of sections and amending cross references as necessary.

The proposed amendments will neither create nor eliminate existing businesses within the State of California. The justification for this statement is that the proposed regulations fine tune the existing CalWORKs WTW Program. The proposed regulations only affect current CalWORKs participants and are mandated by the State of California. In addition, the proposed regulation amendments regulate only CalWORKs participants, not businesses.

Expansion of Businesses or Elimination of Existing Businesses Within the State of California

The proposed amendments will neither expand nor eliminate businesses in the State of California. The justification for this statement is that the proposed regulations fine tune the existing CalWORKs WTW Program. The proposed regulations affect only current CalWORKs participants and are mandated by the State of California. In addition, the proposed regulation amendments regulate only CalWORKs participants, not businesses.

Benefits of the Regulations

The benefits of the proposed regulation include engaging CalWORKs participants in more intensive work activities early in the process, providing participants more flexibility and options in work activity and increased financial incentives as participants become self-sufficient and move towards positive participants to the state economy. These amendments will improve the health and welfare of California's CalWORKs participants by helping improve the well-being and outcomes for this group by contributing towards their success to becoming self-sufficient. This regulatory action does not make changes to regulations involving worker safety or the state's environment.

The documents relied upon in proposing this regulatory action are, AB 74 (Chapter 21, Statutes of 2013), Sections 22, 24, 25, 27, 28, 30, 32, 34, 35, 36 and 49 and SB 855 (Chapter 29, Statutes of 2014), Section 69.

g) Benefits Anticipated from Regulatory Action

This regulatory action which amends CalWORKs regulations as required by AB 74 and SB 855, will establish programs and flexibility within the 24-month time period during which recipients can participate in any welfare-to-work activity they need, consistent with their assessments, to help them move to self-supporting employment. These regulations are intended to provide employment and training services to the maximum possible number of the CalWORKs population to aid them in achieving economic self-sufficiency.

h) Statement of Specific Technology or Equipment

This regulatory action will not mandate the use of new, specific technologies or equipment.

i) Testimony and Response

These regulations were considered at the public hearing held on September 2, 2015 in Sacramento, California. Written testimony was received during the 45-day comment period from July 17 to September 2, 2015. The comments received and the Department's responses to those comments follow.

Legal Services of Northern California (Stephen Goldberg, Acting Regional Counsel) submitted the following comments (Comments #1 – 6).

Section 42-711.513

1. Comment:

I. SIX MONTH BREAK IN AID TREATED AS A NEW PARTICIPANT.

Proposed Manual of Policy and Procedure (MPP) Section 42-711.513 states that an individual would not be considered a new participant in WTW unless that person has not received aid for six months. This six month break in aid rule would pertain to both WTW appraisal and qualification for a Self-Initiated Program (SIP). This provision creates issues for both SIPS and appraisals.

A. The Six Month Break In Aid Requirement For SIP Qualification Violates Welfare and Institutions Code Section 11325.23.

As applied to qualification for a SIP, the six month break in aid rule violates Welfare and Institutions Code Section 11325.23, which states a person can be a SIP if they are a student enrolled in a program "at the time required to participate" in WTW. The statute means that if someone enrolls in a program while not receiving CalWORKs, they can be a SIP because they were not required to participate in WTW at the time they enrolled.

The California Department of Social Services (CDSS) attempts to justify this regulation by stating the initial appraisal is the time when an individual is required to participate in WTW. (Initial Statement of Reasons, ORD #0315-06 at p.2.) It is true that individuals are required to participate after their WTW appraisal. However, if an individual stops receiving CalWORKs, they are no longer required to participate. If an individual enrolls in a program after they stop receiving CalWORKs, that individual was not required to participate when they enrolled and therefore can be a SIP at any time they reapply for CalWORKs.

In addition, CDSS' interpretation that a less than six month break in aid disqualifies an applicant from being a SIP is completely arbitrary. CDSS attempts to justify six months as a period of time during which an individual's circumstances change. (*Id.*) However, change in circumstances is not an eligibility criteria for a SIP. The only criteria for a SIP in the statute is whether an individual was required to participate when that individual enrolled in their program. There is no objective or logical basis for the six month break in aid rule as applied to qualification for a SIP.

Finally, CDSS' justification would mean that an individual is required to participate in WTW for their entire lifetime following appraisal. This is an absurd interpretation because individuals can only be required [sic] to participate in WTW while they are receiving CalWORKs benefits. The regulation as written violates Welfare and

Institutions Code Section 11325.23. The regulation should be revised to state that an individual is qualified to be a SIP when they enroll in a program at any time they are not receiving CalWORKs benefits.

B. A New Appraisal Should Be Done If There Is A Change In Circumstances.

In general, LSNC supports that a WTW participant should not be required to undergo a new appraisal if there has been a break in aid of less than six months because the appraisal process can be onerous and require clients to take substantial time from work or school that should not be required when an appraisal has been recently done. However, for breaks in aid of less than six months, there should be an evaluation of whether there has been a change in circumstances that requires a new appraisal. For example, if the individual has a new disabling condition, there should be a new appraisal even if there has been a less than six month break in aid. Proposed MPP Section 42-708.141(b) contained in ORD 0914-08, the new WTW participation regulations, requires a new assessment if there has been a change in circumstances. The appraisal process should be the same.

Response:

The CDSS thanks the testifiers for their comments.

The CDSS disagrees that this section represents a violation of statute. Welfare and Institutions Code section 11320.1 and 11325.23 do not provide guidance on the treatment of individuals who leave aid and return to the welfare-to-work program. Currently, recipients that return to welfare-to-work after a period off aid are treated as though there was no interruption in participation or activities. Counties may, at their option, evaluate an individual's circumstances if they have changed, but this is not the same as an appraisal, and would not allow an individual to qualify for a Self-Initiated Program if he or she enrolled in a program during his or her break in aid.

Section 42-711.513 expands the options of welfare-to-work participants by requiring a new appraisal and new consideration for a Self-Initiated Program if the participant has been off aid for an extended period of time. No revision is being made to this section as a result of this testimony.

Section 42-711.523

2. Comment:

II. DISCLOSURE OF DISABILITIES CANNOT BE A REQUIREMENT FOR RECEIVING CALWORKS OR COMPLYING WITH WTW.

Proposed MPP Section 42-711.523 requires applicants and recipients to provide "relevant information" to the county welfare department, which, in the county welfare

department's discretion can include information relating to "(c) learning disabilities ..." ... "(f) Physical and behavioral health, including, but not limited to, mental health and substance abuse issues." The effect of this proposed regulation is that the county welfare department can inquire about disability and can sanction an applicant or recipient for not responding.¹

The Americans with Disabilities Act (ADA) and its regulations, and Section 504 of the Rehabilitation Act, prohibit mandatory inquiry into disability status, including mental health and substance abuse. The ADA prohibits exclusion of qualified individuals from a program because of their disability. (42 U.S.C. § 12132.) A qualified individual is someone who meets the essential eligibility requirements for the program. (42 U.S.C. § 12131(b).) In addition, a regulation implementing the ADA, 28 C.F.R. § 35.130(b)(8), prohibits policies that "screen out or tend to screen out an individual with a disability."

Requiring CalWORKs applicants and recipients to disclose mental and physical disability and substance abuse information is an exclusion from the program because of disability. *See e.g. ACLU of Indiana v. Individual Members of the Indiana State Board of Law Examiners* (S.D. Ind. 2011) 2011 WL 4387470, *6-7 [citations omitted]; *Clark v. Virginia Board of Bar Examiners* (E.D. Vir. 1995) 880 F.Supp. 430, 446.) Such disclosure can, and should be encouraged, but only if such disclosure is voluntary. Under the ADA and Section 504, disclosure of disability cannot be required absent a direct threat to public safety which does not exist here.

In addition, mandatory disclosure of disability and medical information violates the California Constitution Right of Privacy, Cal. Const. Art. I Section I.

Proposed MPP Section 42-711.523 should be amended to clearly state that any questions to applicants or recipients at appraisal or at any other point about mental or physical disability, learning disability, or substance abuse are voluntary and no adverse action can be taken if the applicant or recipient chooses not to answer such questions. In addition, questions about child health and well being and domestic violence, to the extent they implicate disability-related information, must also be voluntary.

In addition, the regulation should specify that counties must inform applicants and recipients that 1) any questions to applicants or recipients at appraisal or at any other point about mental or physical disability, learning disability, or substance abuse are voluntary and no adverse action can be taken if the applicant or recipient chooses not to answer such questions and 2) questions about mental or physical disability, learning

¹ The Initial Statement of Reasons states that "an individual cannot be compelled to provide information on all listed topics." (Initial Statement of Reasons at p.4.) However, that is not what the regulation actually says. Moreover, the Initial Statement of Reasons does not specify which topics an individual can choose not to answer or when an individual can choose not to answer. The Initial Statement of Reasons is too vague to overcome the plain language of the regulation that requires the individual to provide any information that the county requests.

disability, or substance abuse, while voluntary, are important to identifying barriers to WTW and to developing an appropriate WTW plan, and a WTW plan cannot consider or account for barriers caused by mental or physical disability, learning disability, or substance abuse unless those conditions are disclosed. This would inform applicants and recipients of both their right to not answer questions about their disabilities and of the impact on them of choosing not to answer such questions.

Response:

The CDSS thanks the testifiers for their comments.

The CDSS acknowledges that the phrasing of Section 42-711.523 and 42-711.525 could be misinterpreted to compel individuals to disclose private and sensitive information. Section 42-711.525 is being revised as a result of this testimony.

3. Comment:

III. DISCLOSURE OF DOMESTIC VIOLENCE CANNOT BE A REQUIREMENT FOR RECEIVING CALWORKS OR COMPLYING WITH WTW.

Proposed MPP Section 42-711.523 requires applicants and recipients to provide "relevant information" to the county welfare department, which, in the county welfare department's discretion can include information relating to "(i) Past or present domestic abuse issues." The effect of this proposed regulation is that the county welfare department can inquire about domestic violence and can sanction an applicant or recipient for not responding.

The California Constitution Right of Privacy, Cal. Const. Art. I Section I, protects informational privacy. "A particular class of information is private when well-established social norms recognize the need to maximize individual control over its dissemination and use to prevent unjustified embarrassment or indignity." (*Hill v. National Collegiate Athletic Association* (1994) 7 Ca1.4th 1, 35.) Past or present domestic abuse issues is such information. This information is not necessary because it is only used to determine barriers to Welfare-to-Work for waiver of program requirements, and a an [sic] applicant or recipient's case can continue without that information. Requiring CalWORKs applicants and recipients to disclose domestic abuse information violates the California Constitution Right of Privacy. Such disclosure can, and should be encouraged, but only if such disclosure is voluntary.

Response:

The CDSS thanks the testifiers for their comments.

The CDSS acknowledges that the phrasing of Section 42-711.523 and 42-711.525 could be misinterpreted to compel individuals to disclose private and sensitive information. Section 42-711.525 is being revised as a result of this testimony.

Section 42-711.531(b)

4. Comment:

IV. THE REGULATIONS CANNOT REQUIRE INDIVIDUALS TO PARTICIPATE IN THE FAMILY STABILIZATION PROGRAM.

Proposed MPP Section 42-711.531(b) requires individuals who are evaluated for and granted Family Stabilization Program (FSP) services to participate in those services.² However, both Welfare and Institutions Code Section 11325.24 and Proposed MPP Section 42-749.11 state that that meeting requirements for FSP only make a person eligible for the program. Neither the statute nor the specific regulation about FSP make participation in FSP mandatory. In addition, a recent CDSS All County Information Notice (ACIN) states that participation in FSP is not mandatory. (CDSS ACIN I-64-15, Question and Answer 15.) Proposed MPP Section 42-711.531(b) should be amended to clearly state that participation in FSP is voluntary.

Response:

The CDSS thanks the testifiers for their comments.

The CDSS disagrees that this section compels individuals to participate in the Family Stabilization Program. An individual may be referred to Family Stabilization while participating according to Section 42-711.5. However, Section 42-749 states that participation in Family Stabilization is voluntary, and an individual may not be sanctioned for failing to participate according to his or her Family Stabilization plan. Sections 42-711.531(b) and 42-711.535 state that participation in Family Stabilization is in accordance with Section 42-749, and therefore is voluntary. No revision is being made to this section as a result of this testimony.

² The Initial Statement of Reasons reiterates that under MPP Section 42-711.531(b) FSP participation is mandatory by stating: "... an individual *shall* participate in Family Stabilization as his or her initial engagement activity, if he or she is evaluated and granted those services." (Initial Statement of Reasons at p.4 [emphasis added].)

5. Comment:

V. THE REGULATIONS SHOULD REQUIRE EVALUATION FOR DOMESTIC ABUSE WAIVER WHEN THE INITIAL WTW ACTIVITY IS MENTAL HEALTH OR SUBSTANCE ABUSE SERVICES.

Proposed MPP Section 42-711.536 discusses mental health and substance abuse services both as an initial engagement activity and as an ongoing activity after four weeks. Proposed MPP Section 42-711.536(b) requires concurrent referral for assessment and additional WTW assignment after four weeks. However, the proposed regulation does not require evaluation for exemption from WTW in such cases. To the contrary, the Initial Statement of Reasons regarding this section states that after four weeks of mental health or substance abuse services, development of a WTW plan is mandatory and additional mental health or substance abuse services are to be provided as part of a WTW plan. (Initial Statement of Reasons at p.16, 17.) By definition, persons referred to mental health or substance abuse services are disabled. Evaluation for WTW exemption is therefore mandatory, and the regulation should so state.

Response:

The CDSS thanks the testifiers for their comments.

The CDSS disagrees that this section requires participation without an evaluation of possible exemptions identified during an individual's appraisal. Section 42-711.525(a) requires that possible exemptions identified during the appraisal process be evaluated prior to requiring further participation, including initial engagement activities. No revision is being made to this section as a result of this testimony.

6. Comment:

VI. THE REGULATIONS SHOULD REQUIRE EVALUATION FOR EXEMPTION WHEN THE INITIAL WTW ACTIVITY IS DOMESTIC ABUSE SERVICES.

Proposed MPP Section 42-711.536 discusses domestic abuse services both as an initial engagement activity and as an ongoing activity after four weeks. Proposed MPP Section 42-711.536(b) requires concurrent referral for assessment and additional WTW assignment after four weeks. However, the proposed regulation does not require evaluation for domestic abuse waiver from WTW participation in such cases. However, the proposed regulation does not require evaluation for exemption from WTW in such cases. To the contrary, the Initial Statement of Reasons regarding this section states that after four weeks of domestic abuse services, development of a WTW plan is mandatory and additional domestic abuse services are to be provided as part of a

WTW plan. (Initial Statement of Reasons at p.16, 17.) By definition, persons referred to domestic abuse services should qualify for a domestic abuse waiver. Evaluation for domestic abuse waiver is therefore mandatory, and the regulation should so state.

Response:

The CDSS thanks the testifiers for their comments.

The CDSS agrees that further clarification regarding domestic abuse waivers would reduce confusion and ensure equitable treatment of participants across the state. Sections 42-711.525(b) and 42-711.536 are being revised as a result of this testimony.

Coalition of California Welfare Rights Organizations, Inc. (Kevin M. Aslanian, Executive Director) submitted the following comments (Comments #7 – 12).

Section 42-711.513

7. Comment:

I. SIX-MONTH BREAK IN AID TREATED AS A NEW PARTICIPANT.

PROPOSED AMENDMENT: 42-711.513 If an individual returns to the Welfare-to-Work Program after not receiving aid for six months, he or she shall be treated as a new participant for the purposes of this section, except that any person, upon being required to participate and a WtW activity, shall be accessed for including qualifications for a SIP as described in Section 42-711.541(a) before being assigned to any other activity.

Note: Underline was added to the testifier's added language for easy identification.

Justification:

Proposed Manual of Policy and Procedure (MPP) Section 42-711.513 states that an individual would not be considered a new participant in WTW unless that person has not received aid for six months. This six month break in aid rule pertains to both WTW appraisal and qualification for a Self-Initiated Program (SIP). This provision creates issues for both SIPs and appraisals.

The Six Month Break In Aid Requirement For SIP Qualification Violates Welfare and Institutions Code Section 11325.23.

As applied to qualification for a SIP, the six month break in aid rule violates Welfare and Institutions Code Section 11325.23, which states a person can be a SIP if they are a student enrolled in a program "at the time required to participate" in WTW. This means that if someone enrolls in a program while not receiving CalWORKs, they can

be a SIP because they were not required to participate in WTW at the time they enrolled.

The California Department of Social Services (CDSS) attempts to justify this regulation by stating the initial appraisal is the time when an individual is required to participate in WTW. (Initial Statement of Reasons, ORD #0315-06 at p.2.) It is true that individuals are required to participate after their WTW appraisal. However, if an individual stops receiving CalWORKs, they are no longer required to participate. If an individual enrolls in a program after they stop receiving CalWORKs, that individual was not required to participate when they enrolled and therefore can be a SIP if and when they reapply for CalWORKs.

In addition, CDSS' interpretation that a less than six month break in aid disqualifies an applicant from being a SIP is completely arbitrary. CDSS attempts to justify six months as a period of time during which an individual's circumstances change. (Id.) However, change in circumstances is not an eligibility criteria for a SIP. The only criteria in the statute is whether an individual was required to participate when that individual enrolled in their program. There is no objective or logical basis for the six month break in aid rule as applied to qualification for a SIP.

Finally, CDSS' interpretation would mean that an individual is required to participate in WTW for their entire lifetime following appraisal. This is an absurd interpretation because individuals can only be required to participate in WTW while they are receiving Cal-WORKs benefits. The regulation as written violates Welfare and Institutions Code Section 11325.23. The regulation should be clarified to state that an individual is qualified to be a SIP when they enroll in a program at any time they are not receiving CalWORKs benefits.

This regulation erects another barrier to CalWORKs recipients' efforts to achieve self-sufficiency. The major problem with this barrier erected by DSS is that it violates state law.

Response:

The CDSS thanks the testifiers for their comments.

The CDSS disagrees that this section represents a violation of statute. Welfare and Institutions Code Section 11320.1 and 11325.23 are silent on the treatment of individuals who leave aid and return to the welfare-to-work program. Currently, recipients that return to welfare-to-work after a period off aid are treated as though there was no interruption in participation or activities. Counties may, at their option, evaluate an individual's circumstances if they have changed, but this is not the same as an appraisal, and would not allow an individual to qualify for a Self-Initiated Program if he or she enrolled in a program during his or her break in aid.

Section 42-711.513 expands the options of welfare-to-work participants by requiring a new appraisal and new consideration for a Self-Initiated Program if the participant has been off aid for an extended period of time. No revision is being made to this section as a result of this testimony.

Section 42-711.523

8. Comment:

II. DISCLOSURE OF DISABILITIES CANNOT BE A REQUIREMENT FOR RECEIVING CALWORKS OR COMPLYING WITH WTW.

PROPOSED AMENDMENT:

42-711.523 "During the appraisal, the individual ~~shall~~ may provide..."

Note: Underline was added to the testifier's added language for easy identification.

Justification:

Proposed MPP Section 42-711.523 requires, rather than permit, applicants and recipients to provide "relevant information" to the county welfare department, which, in the county welfare department's discretion can include information relating to "(c) learning disabilities . . ." . . . "(f) Physical and behavioral health, including, but not limited to, mental health and substance abuse issues." The effect of this proposed regulation is that the county welfare department can inquire about disability and can sanction an applicant or recipient for not responding.¹

The Americans with Disabilities Act (ADA) and its regulations, and Section 504 of the Rehabilitation Act, prohibit mandatory inquiry into disability status, including mental health and substance abuse. The ADA prohibits exclusion of qualified individuals from a program because of their disability. (42 U.S.C. § 12132.) A qualified individual is someone who meets the essential eligibility requirements for the program. (42 U.S.C. § 12131(b).) In addition, a regulation implementing the ADA, 28 C.F.R. § 35.130(b)(8), prohibits policies that "screen out or tend to screen out an individual with a disability."

Requiring CalWORKs applicants and recipients to disclose mental and physical disability and substance abuse information is an exclusion from the program because of

¹ The Initial Statement of Reasons states that "an individual cannot be compelled to provide information on all listed topics." (Initial Statement of Reasons at p.4.) However, that is not what the regulation actually says. Moreover, the Initial Statement of Reasons does not specify which topics an individual can choose not to answer or when an individual can choose not to answer. The Initial Statement of Reasons is too vague to overcome the plain language of the regulation that requires the individual to provide any information that the county requests.

disability. See e.g. *ACLU of Indiana v. Individual Members of the Indiana State Board of Law Examiners* (S.D. Ind. 2011) 2011 WL 4387470, *6-7 [citations omitted]; *Clark v. Virginia Board of Bar Examiners* (E.D. Vir. 1995) 880 F.Supp. 430, 446.) Such disclosure can, and should be encouraged, but only if such disclosure is voluntary. Under the ADA and Section 504, disclosure of disability cannot be required absent a direct threat to public safety which does not exist here.

In addition, mandatory disclosure of disability and medical information violates the California Constitution Right of Privacy, Cal. Const. Art. I Section I.

Proposed MPP Section 42-711.523 should be amended to clearly state that any questions to applicants or recipients at appraisal or at any other point about mental or physical disability, learning disability, or substance abuse are voluntary and no adverse action can be taken if the applicant or recipient chooses not to answer such questions. In addition, questions about child health and well being and domestic violence, to the extent they implicate disability-related information, must also be voluntary.

In addition, the regulation should specify that counties must inform applicants and recipients that 1) any questions to applicants or recipients at appraisal or at any other point about mental or physical disability, learning disability, or substance abuse are voluntary and no adverse action can be taken if the applicant or recipient chooses not to answer such questions and 2) questions about mental or physical disability, learning disability, or substance abuse, while voluntary, are important to identifying barriers to WTW and to developing an appropriate WTW plan, and a WTW plan cannot consider or account for barriers caused by mental or physical disability, learning disability, or substance abuse unless those conditions are disclosed. This would inform applicants and recipients of both their right to not answer questions about their disabilities and of the impact on them of choosing not to answer such questions.

Response:

The CDSS thanks the testifiers for their comments.

The CDSS acknowledges that the phrasing of Section 42-711.523 and 42-711.525 could be misinterpreted to compel individuals to disclose private and sensitive information. Section 42-711.525 is being revised as a result of this testimony.

9. Comment:

III. DISCLOSURE OF DOMESTIC VIOLENCE CANNOT BE A REQUIREMENT FOR RECEIVING CALWORKS OR COMPLYING WITH WTW.

Proposed MPP Section 42-711.523 requires applicants and recipients to provide "relevant information" to the county welfare department, which, in the county welfare department's discretion can include information relating to "(i) Past or present domestic

abuse issues." The effect of this proposed regulation is that the county welfare department can inquire about domestic violence and can sanction an applicant or recipient for not responding.

The California Constitution Right of Privacy, Cal. Const. Art. I Section I, protects informational privacy. "A particular class of information is private when well-established social norms recognize the need to maximize individual control over its dissemination and use to prevent unjustified embarrassment or indignity." (*Hill v. National Collegiate Athletic Association* (1994) 7 Cal.4th 1, 35.) Past or present domestic abuse issues is such information. This information is not necessary because it is only used to determine barriers to Welfare-to-Work for waiver of program requirements, and a an applicant or recipient's case can continue without that information. Requiring CalWORKs applicants and recipients to disclose domestic abuse information violates the California Constitution Right of Privacy. Such disclosure can, and should be encouraged, but only if such disclosure is voluntary.

Response:

The CDSS thanks the testifiers for their comments.

The CDSS acknowledges that the phrasing of Section 42-711.523 and 42-711.525 could be misinterpreted to compel individuals to disclose private and sensitive information. Section 42-711.525 is being revised as a result of this testimony.

Section 42-711.531(b)

10. Comment:

IV. THE REGULATIONS CANNOT REQUIRE INDIVIDUALS TO PARTICIPATE IN THE FAMILY STABILIZATION PROGRAM.

Proposed MPP Section 42-711.531(b) requires individuals who are evaluated for and granted Family Stabilization Program (FSP) services to participate in those services.² However, both Welfare and Institutions Code Section 11325.24 and Proposed MPP Section 42-749.11 state that that meeting requirements for FSP only make a person eligible for the program. Neither the statute nor the specific regulation about FSP make participation in FSP mandatory. In addition, a recent CDSS All County Information Notice (ACIN) states that participation in FSP is not mandatory. (CDSS ACIN I-64-15, Question and Answer 15.) Proposed MPP Section 42-711.531(b) should be amended to clearly state that participation in FSP is voluntary.

² The Initial Statement of Reasons reiterates that under MPP Section 42-711.531(b) FSP participation is mandatory by stating: “. . . an individual *shall* participate in Family Stabilization as his or her initial engagement activity, if he or she is evaluated and granted those services.” (Initial Statement of Reasons at p.4 [emphasis added].)

Response:

The CDSS thanks the testifiers for their comments.

The CDSS disagrees that this section compels individuals to participate in the Family Stabilization Program. An individual may be referred to Family Stabilization while participating according to Section 42-711.5. However, Section 42-749 states that participation in Family Stabilization is voluntary, and an individual may not be sanctioned for failing to participate according to his or her Family Stabilization plan. Sections 42-711.531(b) and 42-711.535 state that participation in Family Stabilization is in accordance with Section 42-749, and therefore is voluntary. No revision is being made to this section as a result of this testimony.

Section 42-711.536

11. Comment:

V. THE REGULATIONS SHOULD REQUIRE EVALUATION FOR DOMESTIC ABUSE WAIVER WHEN THE INITIAL WTW ACTIVITY IS MENTAL HEALTH OR SUBSTANCE ABUSE SERVICES.

Proposed MPP Section 42-711.536 discusses mental health and substance abuse services both as an initial engagement activity and as an ongoing activity after four weeks. Proposed MPP Section 42-711.536(b) requires concurrent referral for assessment and additional WTW assignment after four weeks. However, the proposed regulation does not require evaluation for exemption from WTW in such cases. To the contrary, the Initial Statement of Reasons regarding this section states that after four weeks of mental health or substance abuse services, development of a WTW plan is mandatory and additional mental health or substance abuse services are to be provided as part of a WTW plan. (Initial Statement of Reasons at p.16, 17.) By definition, persons referred to mental health or substance abuse services are disabled. Evaluation for WTW exemption is therefore mandatory, and the regulation should so state.

Response:

The CDSS thanks the testifiers for their comments.

The CDSS disagrees that this section requires participation without an evaluation of possible exemptions identified during an individual's appraisal. Section 42-711.525(a) requires that possible exemptions identified during the appraisal process be evaluated prior to requiring further participation, including initial engagement activities. No revision is being made to this section as a result of this testimony.

Section 42-711.536

12. Comment:

VI. THE REGULATIONS SHOULD REQUIRE EVALUATION FOR EXEMPTION WHEN THE INITIAL WTW ACTIVITY IS DOMESTIC ABUSE SERVICES.

Proposed MPP Section 42-711.536 discusses domestic abuse services both as an initial engagement activity and as an ongoing activity after four weeks. Proposed MPP Section 42-711.536(b) requires concurrent referral for assessment and additional WTW assignment after four weeks. However, the proposed regulation does not require evaluation for domestic abuse waiver from WTW participation in such cases. However, the proposed regulation does not require evaluation for exemption from WTW in such cases. To the contrary, the Initial Statement of Reasons regarding this section states that after four weeks of domestic abuse services, development of a WTW plan is mandatory and additional domestic abuse services are to be provided as part of a WTW plan. (Initial Statement of Reasons at p.16, 17.) By definition, persons referred to domestic abuse services should qualify for a domestic abuse waiver. Evaluation for domestic abuse waiver is therefore mandatory, and the regulation should so state.

Response:

The CDSS thanks the testifiers for their comments.

The CDSS agrees that further clarification regarding domestic abuse waivers would reduce confusion and ensure equitable treatment of participants across the state. Sections 42-711.525(b) and 42-711.536 are being revised as a result of this testimony.