

FINAL STATEMENT OF REASONS

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

The proposed regulations implement changes consistent with the objectives of Senate Bill (SB) 1104 and SB 68 and reorganize the legal and regulatory requirements under which the program is operated. In many instances, renumbering of sections and amending of cross-references is also necessary.

Section 11-501.3 (Handbook)

Specific Purpose:

This handbook section is being changed to delete a reference to the 18-month time limit and cross-reference to Section 42-710.12. The 18-month time limit was made obsolete, and Section 42-710.12 is being repealed, due to the implementation of SB 1104.

Factual Basis:

This change is necessary to comply with Welfare and Institutions Code Section 11454, as amended by SB 1104, Chapter 229, Statutes of 2004.

Section 42-302.114(a)(1)(A)

Specific Purpose/Factual Basis:

This section is amended to correct a cross-reference due to revisions in the regulations, but has no regulatory impact.

Section 42-302.114(b)(1)(A) (Handbook)

Specific Purpose/Factual Basis:

This handbook section is being changed to delete a reference in the example to the now obsolete 18- or 24-month CalWORKs welfare-to-work time limit and the requirement to participate in community service post 18- or 24-months on aid. This example is also being changed to clarify that another appropriate activity including, but not limited to, job search is not available before the individual reaches her 60-month time limit. These changes are necessary to comply with Welfare and Institutions Code Sections 11454 and 11322.9, as amended by SB 1104, Chapter 229, Statutes of 2004. These changes are also necessary for clarity.

Sections 42-302.3 and .31(a)

Specific Purpose:

These sections are being amended to repeal obsolete references to the 18- or 24-month CalWORKs welfare-to-work time limit.

Factual Basis:

This amendment is necessary to comply with Welfare and Institutions Code Section 11454, as amended by SB 1104, Chapter 229, Statutes of 2004.

Section 42-701.1 (Handbook)

Specific Purpose:

This section is being changed to remove the reference to Assembly Bill (AB) 1542, the statute which implemented the CalWORKs Program. With the passage of SB 1104, many of the provisions found in AB 1542 are no longer applicable. This section is also being changed to correct the date in which the program began.

Factual Basis:

These changes are necessary to provide readers with updated and accurate CalWORKs program background information resulting from the passage of SB 1104, Chapter 229, Statutes of 2004.

Section 42-701.1(c) (Handbook)

Specific Purpose:

This section is being changed to remove a reference to the now obsolete requirement that non-exempt individuals must either work or participate in community service after 18 or 24 months on aid. This section is also being changed to specify that unless exempt, adult recipients are required to participate in at least 20 hours per week of core welfare-to-work activities and that the balance of their 32- or 35-hour participation requirement must be assigned in either core or non-core activities, be based upon an assessment, and aid recipients in obtaining employment.

Factual Basis:

These changes provide readers with updated and accurate CalWORKs Program background information. This section is to provide guidance to counties in the implementation of Welfare and Institutions Code Section 11322.8, as amended by SB 1104, Chapter 229, Statutes of 2004.

Section 42-701.2(c)(4)

Specific Purpose:

This section is being adopted to provide a definition for "Core Welfare-to-Work Activities" and to specify which activities may be counted toward meeting core-hour requirements.

Factual Basis:

This section is necessary to comply with Welfare and Institutions Code Sections 11322.8(c), (d), and (e), as amended by SB 1104, Chapter 229, Statutes of 2004.

**Final Modification:**

**Following the notification for public hearing but prior to the emergency adoption of these regulations, this section was modified as follows: "... job skills training directly leading related to employment..." for consistency with Section 42-701.2(n)(1).**

Sections 42-701.2(c)(5) and (c)(6) (Renumbered)

Specific Purpose/Factual Basis:

These sections are being renumbered from existing Sections 42-701.2(c)(4) and (c)(5) to Sections 42-701.2(c)(5) and (c)(6), respectively, for restructuring purposes and to maintain proper numerical sequencing for clarity, but has no regulatory effect.

Section 42-701.2(n)(1)

Specific Purpose:

This section is being adopted to provide a definition for "Non-core Welfare-to-Work Activities" and to specify which activities may be counted towards meeting non-core hour requirements.

Factual Basis:

This section is necessary to comply with Welfare and Institutions Code Section 11322.8(c), as amended by SB 1104, Chapter 229, Statutes of 2004.

Section 42-701.2(u)(1)

Specific Purpose:

This section is being adopted to provide a definition for "Univeral Engagement." Universal Engagement is a term used in federal Temporary Assistance to Needy Families proposed legislation.

Factual Basis:

This section is necessary to comply with Welfare and Institutions Code Section 11325.21, as amended by SB 1104, Chapter 229, Statutes of 2004.

Section 42-710 (Repealed)

Specific Purpose:

This section is being repealed to remove obsolete program regulations in reference to the 18- or 24-month time limit for individuals in CalWORKs Welfare-to-Work. Prior to the enactment of SB 1104, individuals in Welfare-to-Work had either 18 or 24 months in which to participate in specified activities, after which they were required to participate in community service.

Factual Basis:

This section is being repealed to comply with Welfare and Institutions Code Section 11454, as amended by SB 1104, Chapter 229, Statutes of 2004.

Section 42-711.112(b)

Specific Purpose:

This section is being adopted to require that at the time an individual applies for aid or the time a recipient's eligibility for aid is determined, he or she is provided with a description of the core and non-core welfare-to-work activities, the core requirement, and when non-core activities may count toward the core requirement.

Factual Basis:

This section is necessary to ensure that the individual is provided with a description of the core and non-core welfare-to-work activities, the core requirement, and the exceptions to the non-core activities. This section is developed under the provisions of Welfare and Institutions Code Section 10553, which provides the Director of CDSS with the authority to adopt regulations to ensure consistency in the administration of the CalWORKs program.

Section 42-711.112(c) [Renumbered from Section 42-711.112(b)]

Specific Purpose/Factual Basis:

This section is being renumbered from existing Section 42-711.112(b) to Section 42-711.112(c) for restructuring purposes and to maintain proper numerical sequencing for clarity, but has no regulatory impact.

Section 42-711.411(a)

Specific Purpose:

This section is being adopted to specify that a minimum average of 20 hours per week of participation must be in one or more core welfare-to-work activities, and to include a cross-reference for clarification purposes.

Factual Basis:

This section is necessary to comply with Welfare and Institutions Code Sections 11320.1(c) and 11322.8(c), as amended by SB 1104, Chapter 229, Statutes of 2004.

Section 42-711.421

Specific Purpose:

This section is being amended to clarify that unless otherwise exempt from participation, an unemployed adult participant in a two-parent assistance unit must, each month, participate for a minimum average of 35 hours per week in welfare-to-work activities. This section is also being amended to remove the reference to federal law.

Factual Basis:

These amendments are necessary to comply with Welfare and Institutions Code Section 11322.8(b), as amended by SB 1104, Chapter 229, Statutes of 2004.

Section 42-711.421(a)

Specific Purpose:

This section is being adopted to specify that unless otherwise exempt from participation, an adult individual in a two-parent assistance unit must participate for a minimum average of 20 hours per week in core welfare-to-work activities, and to include a cross-reference for clarification purposes.

Factual Basis:

This section is necessary to comply with Welfare and Institutions Code Section 11322.8(c), as amended by SB 1104, Chapter 229, Statutes of 2004.

Section 42-711.421(b) [Renumbered from Section 42-711.421(a)]

Specific Purpose:

This section is being amended to clarify that in a two-parent assistance unit where both parents contribute toward the CalWORKs welfare-to-work participation requirement, at least one parent must meet the minimum average of 20 hours per week federal one-parent work requirement applicable on January 1, 1998. This section is also being renumbered from Section 42-711.421(a) to Section 42-711.421(b) to maintain proper numerical sequencing.

Factual Basis:

This amendment is necessary to comply with Welfare and Institutions Code Section 11322.8(b), as amended by SB 1104, Chapter 229, Statutes of 2004. The renumbering is also necessary for restructuring purposes, but has no regulatory impact.

Section 42-711.421(b)(1)

Specific Purpose:

This section is being adopted to clarify that if both parents contribute toward the 35-hour participation requirement, they may split the 20-hour per week core participation requirement for welfare-to-work activities.

Factual Basis:

This section is necessary to comply with Welfare and Institutions Code Sections 11322.8(b) and (c), as amended by SB 1104, Chapter 229, Statutes of 2004.

Section 42-711.522(a)

Specific Purpose:

This section is being amended to repeal the requirement that prior to or during appraisal, the county must provide individuals a written description of the 18- or 24-month CalWORKs welfare-to-work time limit. This section is also being amended to add cross-references to Sections 42-716.11, .2, .21, and .22.

Factual Basis:

These amendments are necessary to comply with Welfare and Institutions Code Sections 11454, as amended by SB 1104, Chapter 229, Statutes of 2004, and for clarification purposes.

Sections 42-711.522(d)(1) and (d)(2)

Specific Purpose/Factual Basis:

These sections are being amended to correct cross-references due to revisions to the regulations cited in this package, but have no regulatory impact.

Section 42-711.541

Specific Purpose:

This section is being amended to repeal an obsolete reference to the 18- or 24-month CalWORKs welfare-to-work time limit. This section is also being amended to adopt a cross-reference for clarification purposes.

Factual Basis:

These amendments are necessary to comply with Welfare and Institutions Code Section 11454, as amended by SB 1104, Chapter 229, Statutes of 2004, and for clarification purposes.

Section 42-711.543(b)(1)

Specific Purpose:

This section is being amended to repeal an obsolete reference to the 18- or 24-month CalWORKs welfare-to-work time limit. This section is also being amended to adopt a cross-reference for clarification purposes.

Factual Basis:

These amendments are necessary to comply with Welfare and Institutions Code Sections 11325.23(a)(1), 11325.23(a)(3)(B), and 11454, as amended by SB 1104, Chapter 229, Statutes of 2004, and for clarification purposes.

Section 42-711.544

Specific Purpose/Factual Basis:

This section is being amended to correct a cross-reference due to revisions to the regulations cited in this package, but has no regulatory impact.

Section 42-711.546(a) (Repealed)

Specific Purpose:

This section is being repealed to remove an obsolete reference to the 18- or 24-month CalWORKs welfare-to-work time limit and the requirement to adjust the 18- or 24-month time clock for individuals in self-initiated programs.

Factual Basis:

This section is being repealed to comply with Welfare and Institutions Code Sections 11325.23(c) and 11454, as amended by SB 1104, Chapter 229, Statutes of 2004.

Section 42-711.547

Specific Purpose/Factual Basis:

This section is being amended to add the word "in" to clarify the sentence, but has no regulatory impact.

Section 42-711.548(a) (Repealed)

Specific Purpose:

This section is being repealed to remove language that required time spent in an educational program to count toward the now obsolete 18- or 24-month CalWORKs welfare-to-work time limit.

Factual Basis:

This section is being repealed to comply with Welfare and Institutions Code Section 11325.23(e), as amended by SB 1104, Chapter 229, Statutes of 2004.

Section 42-711.548(a) [Renumbered from Section 42-711.548(b)]

Specific Purpose:

This section is being amended to repeal an obsolete cross-reference to the 18- or 24-month time limit. This section is also being renumbered from Section 42-711.548(b) to Section 42-711.548(a) to maintain numerical sequencing.

Factual Basis:

These amendments are necessary to comply with Welfare and Institutions Code Section 11454, as amended by SB 1104, Chapter 229, Statutes of 2004. Renumbering is also necessary for restructuring purposes, but has no regulatory impact.

Section 42-711.551(a)

Specific Purpose:

This section is being amended to adopt more specific cross-references regarding hours of participation for one- and two-parent CalWORKs families.

Factual Basis:

This amendment is necessary for clarity, but has no regulatory impact.

Section 42-711.552

Specific Purpose:

This section is being amended to adopt more specific cross-references regarding hours of participation for one- and two-parent CalWORKs families, and welfare-to-work activities.

Factual Basis:

This amendment is necessary for clarity, but has no regulatory impact.

Section 42-711.552(a)

Specific Purpose:

This section is being amended to repeal an obsolete reference to the 18- or 24-month CalWORKs welfare-to-work time limit.

Factual Basis:

This amendment is necessary to comply with Welfare and Institutions Code Section 11454, as amended by SB 1104, Chapter 229, Statutes of 2004.

Section 42-711.581(a)

Specific Purpose/Factual Basis:

This section is being amended to correct a cross-reference due to revisions to the regulations cited in this package, but has no regulatory impact.

Section 42-711.6

Specific Purpose/Factual Basis:

This section is being amended to add "Universal Engagement" to the title of the section. This amendment is necessary for clarity and to implement Welfare and Institutions Code Section 11325.21, as amended by SB 1104, Chapter 229, Statutes of 2004.

Section 42-711.61

Specific Purpose:

This section is being amended to add a cross-reference specifying the time frames in which a non-exempt individual must enter into his or her initial welfare-to-work plan, and to spell out an acronym that was previously used.

Factual Basis:

This amendment is necessary to comply with Welfare and Institutions Code Section 11325.21(a), and for consistency and clarity.

Section 42-711.611

Specific Purpose:

This section is being amended to add a cross-reference specifying the core and non-core activity requirements, and the allowable welfare-to-work activities.

Factual Basis:

This amendment is necessary for clarity, but has no regulatory impact.

Section 42-711.62

Specific Purpose:

This section is being adopted to add a time frame within which an individual must enter into a welfare-to-work plan after assessment.

Factual Basis:

This section is necessary to comply with Welfare and Institutions Code Section 11325.21(a), as amended by SB 1104, Chapter 229, Statutes of 2004. This section is also developed under the provisions of Welfare and Institutions Code Section 10553, 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 being adopted to clarify that an individual's initial welfare-to-work plan may be entered into as late as 90 days after the completion of job search, if job search, pursuant to Sections 42-701.2(j)(2) and 42-711.53, is initiated within 30 days after an individual's eligibility for aid is determined, or the date that the individual is required to participate.

Factual Basis:

This section is necessary to comply with Welfare and Institutions Code Section 11325.21(a), as amended by SB 1104, Chapter 229, Statutes of 2004.

Section 42-711.621(a)

Specific Purpose:

This section is being adopted to define when job search is "initiated."

Factual Basis:

This section is necessary to define when job search is initiated to ensure statewide consistency in the implementation of Welfare and Institutions Code Section 11325.21(a). This section is also necessary to ensure that counties meet the intent of SB 1104, Chapter 229, Statutes of 2004, which is to engage individuals in the welfare-to-work program as quickly as possible. This section is also adopted under the provisions of Welfare and Institutions Code Section 10553, which provides the Director of the California Department of Social Services (CDSS) with the authority to adopt regulations to ensure consistency in the administration of the CalWORKs Program.

Sections 42-711.622 through .622(b)

Specific Purpose:

These sections are being adopted to specify exceptions to the 90- and 30-day periods found in Sections 42-711.62 and .621.

Factual Basis:

These sections are necessary to provide guidance to counties to ensure statewide consistency in the implementation of Welfare and Institutions Code Section 11325.21, and to recognize that there are situations under which the county, and/or the recipient, cannot be actively engaged in developing a welfare-to-work plan. These sections are developed under the provisions of Welfare and Institutions Code Section 10553, which provides the Director of CDSS with the authority to adopt regulations to ensure consistency in the administration of the CalWORKs program.

Section 42-711.623

Specific Purpose:

This section is being adopted to specify when the 90- and 30-day time frames in Sections 42-711.62 and .621 begin.

Factual Basis:

This amendment is necessary to provide statewide consistency and to comply with Welfare and Institutions Code Section 11325.21(a), as amended by SB 1104, Chapter 229, Statutes of 2004.

Section 42-711.623(a)

Specific Purpose:

This section is being adopted to specify that the 90- and 30-day time frames begin on the date of the notice of action that informs the individual of his or her initial eligibility for aid, when the individual is eligible for aid on the date of application.

Factual Basis:

This section is necessary to provide guidance to counties to ensure statewide consistency in the implementation of Welfare and Institutions Code Section 11325.21(a), as amended by SB 1104, Chapter 229, Statutes of 2004.

Section 42-711.623(b)

Specific Purpose:

This section is being adopted to specify that the 90- and 30-day time frames begin on the date a nonexempt individual begins receiving aid, when the individual is initially ineligible for aid on the date of application but the county has determined that he or she will be eligible for aid within 60 days. The date the individual begins receiving aid is the first date the individual can be required to participate.

Factual Basis:

This section is necessary to provide guidance to counties to ensure statewide consistency in the implementation of Welfare and Institutions Code Section 11325.21(a), as amended by SB 1104, Chapter 229, Statutes of 2004.

Section 42-711.623(c)

Specific Purpose:

This section is being adopted to specify that the 90- and 30-day time frames begin on the date an individual is required to participate in welfare-to-work activities, when the individual has been receiving aid but was not required to have a welfare-to-work plan developed, and the county knows this date in advance.

Factual Basis:

This section is necessary to provide guidance to counties to ensure statewide consistency in the implementation of Welfare and Institutions Code Section 11325.21(a), as amended by SB 1104, Chapter 229, Statutes of 2004.

Section 42-711.623(d)

Specific Purpose:

This section is being adopted to clarify that the 90- and 30-day time frames begin on the date the county first learns that an individual is required to participate in welfare-to-work activities, when he or she has been receiving aid but was not required to have a welfare-to-work plan developed and the county does not know the date the individual will be required to participate in advance, but no longer than 30 days from the date the individual was required to participate.

Factual Basis:

This section is necessary to provide guidance to counties to ensure statewide consistency in the implementation of Welfare and Institutions Code Section 11325.21(a), as amended by SB 1104, Chapter 229, Statutes of 2004.

Sections 42-711.624 and .625 (Handbook)

Specific Purpose/Factual Basis:

These handbook sections are being added to provide counties examples in the application of Section 42-711.623(c), when the county knows the date an individual is required to participate in advance. These sections provide guidance to counties in the implementation of Welfare and Institutions Code Section 11325.21(a), as amended by SB 1104, Chapter 229, Statutes of 2004.

Sections 42-711.626 (Handbook)

Specific Purpose/Factual Basis:

This handbook section is being added to provide counties an example in the application of Section 42-711.623 (c) or (d), depending on the date the county learns of the individual's job loss, and the county does not know the date the individual is required to participate in advance. These sections provide guidance to counties in the implementation of Welfare and Institutions Code Section 11325.21(a), as amended by SB 1104, Chapter 229, Statutes of 2004.

Section 42-711.627 and .628 (Handbook)

Specific Purpose/Factual Basis:

These handbook sections are being added to provide counties examples in the application of Section 42-711.623(d), when the county does not know the date an individual is required to participate in advance. These sections provide guidance to counties in the implementation of Welfare and Institutions Code Section 11325.21(a), as amended by SB 1104, Chapter 229, Statutes of 2004.

Section 42-711.63 (Renumbered from Section 42-711.62)

Specific Purpose:

This section is being amended to repeal a cross-reference to Section 42-716, and adopt a cross-reference to Section 42-716.2. This section is also being amended to repeal an obsolete reference to the 18- or 24-month CalWORKs welfare-to-work time limit. This section is also being renumbered from Section 42-711.62 to Section 42-711.63 to maintain numerical sequencing.

Factual Basis:

These amendments are necessary to comply with Welfare and Institutions Code Section 11454, as amended by SB 1104, Chapter 229, Statutes of 2004, and for restructuring purposes, but have no regulatory impact.

**Final Modification:**

**Following the public hearing, this section is being amended to make grammatical corrections. These are nonsubstantive, technical changes that are being made to improve the clarity of this section.**

Sections 42-711.64 through .642 (Renumbered)

Specific Purpose/Factual Basis:

These sections are being renumbered from Sections 42-711.63 to Section 42-711.641 to Sections 42-711.64 through .642, respectively, for restructuring purposes and to maintain proper numerical sequencing, but has no regulatory impact.

Section 42-711.642(a) [Renumbered from Section 42-711.632(a)]

Specific Purpose:

This section is being amended to clarify that any required participation of the parent by the school to ensure a child's attendance will be treated as non-core hours and shall count towards the required hours of participation in welfare-to-work activities. This section is also being amended to add the word "participation" and to replace "as defined" with "specified" to make the section clearer. In addition, this section is being amended to correct and add cross-references. This section is also being renumbered from Section 42-711.632(a) to Section 42-711.642(a) to maintain proper numerical sequencing.

Factual Basis:

These amendments are necessary to comply with Welfare and Institutions Code Section 11322.8(c), as amended by SB 1104, Chapter 229, Statutes of 2004, and for clarification purposes. The renumbering is for restructuring purposes to maintain proper numerical sequencing, but has no regulatory impact.

Section 42-711.642(b)

Specific Purpose:

This section is being adopted to clarify that the welfare-to-work plan between the county welfare department and the individual shall specify how hours of participation in core and/or non-core welfare-to-work activities satisfy the participation requirement.

Factual Basis:

This section is necessary to ensure that the welfare-to-work plan explains how the activities to which the individual is assigned satisfy the individual's participation requirements, specified in Welfare and Institutions Code Sections 11322.8(c), (d), and (e), as amended by SB 1104, Chapter 229, Statutes of 2004. This section is also developed under the provisions of Welfare and Institutions Code Section 10553, which provides the Director of CDSS with the authority to adopt regulations to ensure consistency in the administration of the CalWORKs program.

Section 42-711.643 (Renumbered from Section 42-711.633)

Specific Purpose/Factual Basis:

This section is being renumbered from existing Section 42-711.633 to Section 42-711.643 for restructuring purposes and to maintain proper numerical sequencing, but has no regulatory impact.

Section 42-711.644 (Renumbered from Section 42-711.634)

Specific Purpose/Factual Basis:

This section is being amended to correct a cross-reference due to revisions to the regulations cited in this package and to make an editorial change. This section is also being renumbered from Section 42-711.634 to Section 42-711.644 to maintain proper numerical sequencing. These changes have no regulatory impact.

Sections 42-711.645 through 42-711.65 (Renumbered)

Specific Purpose/Factual Basis:

These sections are being renumbered as follows: Section 42-711.635 to Section 42-711.645; Section 42-711.636 to Section 42-711.646; Section 42-711.637 to Section 42-711.647; Section 42-711.638 to Section 42-711.648; and Section 42-711.64 to Section 42-711.65. This renumbering is for restructuring purposes to maintain proper numerical sequencing, but has no regulatory impact.

Section 42-711.71

Specific Purpose:

This section is being amended to repeal an obsolete reference to the 18- or 24-month CalWORKs welfare-to-work time limit.

Factual Basis:

This amendment is necessary to comply with Welfare and Institutions Code Section 11454, as amended by SB 1104, Chapter 229, Statutes of 2004.

Section 42-711.712

Specific Purpose:

This section is being amended to repeal an obsolete reference to the 18- or 24-month CalWORKs welfare-to-work time limit and to make an editorial change.

Factual Basis:

This amendment is necessary to comply with Welfare and Institutions Code Sections 11454, as amended by SB 1104, Chapter 229, Statutes of 2004. This amendment is also necessary for clarity.

Sections 42-711.712(b) and (e)

Specific Purpose/Factual Basis:

These sections are being amended to correct cross-references due to revisions to the regulations cited in this package, but has no regulatory impact.

Sections 42-711.9 et seq. (Repealed)

Specific Purpose:

These sections are being repealed due to obsolete language referencing the 18- or 24-month CalWORKs welfare-to-work time limit and referral to community service after completion of this time limit.

Factual Basis:

The repeal of these sections is necessary to comply with Welfare and Institutions Code Sections 11322.9 and 11454, as amended by SB 1104, Chapter 229, Statutes of 2004.

Section 42-712.51

Specific Purpose:

This section is being amended to repeal a reference to the 18- or 24-month CalWORKs welfare-to-work time limit, which was made obsolete as a result of SB 1104. This section is also being amended to provide an introduction to the sections that follow, which describe the types of individuals who may volunteer to participate in the welfare-to-work program.

Factual Basis:

These amendments are necessary to comply with Welfare and Institutions Code Section 11454, as amended by SB 1104, Chapter 229, Statutes of 2004.

Section 42-712.511

Specific Purpose:

This section is being adopted to specify that a volunteer can be a participant who meets the exemption criteria found in Sections 42-712.41 through .49.

Factual Basis:

This section is necessary to comply with Welfare and Institutions Code Section 11320.3(c).

Section 42-712.512 (Renumbered from Section 42-712.52)

Specific Purpose:

This section is being amended to repeal a reference to the 18- or 24-month CalWORKs welfare-to-work time limit, which was made obsolete as a result of SB 1104. This section is also being amended to correct a cross-reference due to revisions to the regulations cited in this package and is being renumbered from Section 42-712.52 to Section 42-712.512 for restructuring purposes to maintain proper numerical sequencing.

Factual Basis:

This amendment is necessary to comply with Welfare and Institutions Code Section 11454, as amended by SB 1104, Chapter 229, Statutes of 2004.

Section 42-712.512(a) (Handbook)

Specific Purpose/Factual Basis:

This handbook section is being changed to clarify the example of a volunteer in a two-parent assistance unit, when one parent is already meeting the 35-hour participation requirement. This section is also being changed to remove a reference to the 18- or 24-month CalWORKs welfare-to-work time limit, which was made obsolete as a result of the amendment to Welfare and Institutions Code Section 11454 by SB 1104, Chapter 229, Statutes of 2004. This section is also being renumbered for restructuring purposes, but has no regulatory impact.

Section 42-712.6 (Repealed)

Specific Purpose:

This section is being repealed to remove an obsolete reference to the 18- or 24-month CalWORKs welfare-to-work time limit.

Factual Basis:

This amendment is necessary to comply with Welfare and Institutions Code Section 11454, as amended by SB 1104, Chapter 229, Statutes of 2004.

Section 42-712.6 et seq. (Renumbered from Section 42-712.7 et seq.)

Specific Purpose/Factual Basis:

This section is being renumbered from Section 42-712.7 et seq. to Section 42-712.6 et seq. for restructuring purposes to maintain proper numerical sequencing, but has no regulatory impact.

Section 42-713.221

Specific Purpose:

This section is being amended to repeal an obsolete reference to the 18- or 24-month CalWORKs welfare-to-work time limit. This section is also being amended to correct two cross-references due to the revisions to the regulations in this package and has no regulatory impact.

Factual Basis:

These amendments are necessary to comply with Welfare and Institutions Code Section 11454, as amended by SB 1104, Chapter 229, Statutes of 2004, and to direct the reader to the proper cross-references.

Section 42-713.4

Specific Purpose:

This section is being amended to repeal an obsolete reference to the 18- or 24-month CalWORKs welfare-to-work time limit.

Factual Basis:

This amendment is necessary to comply with Welfare and Institutions Code Sections 11454, as amended by SB 1104, Chapter 229, Statutes of 2004.

Section 42-713.41

Specific Purpose:

This section is being amended to repeal an obsolete reference to the 18- or 24-month CalWORKs welfare-to-work time limit.

Factual Basis:

This amendment is necessary to comply with Welfare and Institutions Code Sections 11454, as amended by SB 1104, Chapter 229, Statutes of 2004.

Section 42-713.42 (Repealed)

Specific Purpose:

This section is being repealed to remove an obsolete requirement that individuals who have good cause for an interruption in participation in a self-initiated program may have their 18- or 24-month CalWORKs welfare-to-work time limits adjusted. This requirement is obsolete due to the elimination of the 18- or 24-month time limit.

Factual Basis:

This section is being repealed to comply with Welfare and Institutions Code Sections 11325.23(c) and 11454, as amended by SB 1104, Chapter 229, Statutes of 2004.

Section 42-715.512(a)

Specific Purpose:

This section is being amended to repeal the "s" on "time limits" to make the sentence accurate. With the repeal of the 18- or 24-month time clock, there is only one applicable time limit.

Factual Basis:

This amendment is necessary to comply with Welfare and Institutions Code Section 11454, as amended by SB 1104, Chapter 229, Statutes of 2004.

Section 42-716.1

Specific Purpose/Factual Basis:

This section is being amended to add a cross-reference to Section 42-716.31, which describes allowable welfare-to-work activities. This amendment is being added for clarity.

Section 42-716.11

Specific Purpose:

This section is being adopted to specify that all CalWORKS welfare-to-work participants may participate in activities for up to the 60-month time limit, as long as participation is consistent with their assessments, and/or in accordance with their welfare-to-work plan, or reappraisal.

Factual Basis:

This section is necessary to comply with Welfare and Institutions Code Sections 11325.21(a), 11326, and 11454, as amended by SB 1104, Chapter 229, Statutes of 2004.

**Final Modification:**

**Following the notification for public hearing but prior to the emergency adoption of these regulations, this section was modified to correctly cross reference the reappraisal section.**

Section 42-716.2

Specific Purpose:

This section is being adopted to clarify that individuals who are exempt, participating in self-initiated programs, granted a domestic abuse waiver, receiving family reunification services, or are a 19-year-old custodial parent without a high school diploma, are not required to follow the core and non-core rules described in Sections 42-716.21 through .262.

Factual Basis:

This section is necessary to comply with Welfare and Institutions Code Section 11322.8, as amended by SB 1104, Chapter 229, Statutes of 2004.

Section 42-716.21

Specific Purpose:

This section is being adopted to specify that individuals must participate in one or more core activities for a minimum average of 20 hours per week.

Factual Basis:

This section is necessary to comply with Welfare and Institutions Code Section 11322.8(c), as amended by SB 1104, Chapter 229, Statutes of 2004.

Section 42-716.211

Specific Purpose:

This section is being adopted to specify that vocational education and training programs may only count as a core activity for a cumulative total of 12 months during an individual's 60-month time limit on aid.

Factual Basis:

This section is necessary to comply with Welfare and Institutions Code Sections 11322.8(c), as amended by SB 1104, Chapter 229, Statutes of 2004.

Section 42-716.211(a)

Specific Purpose:

This section is being adopted to specify that the 12-month time limit for vocational education and training to count as a core welfare-to-work activity begins on the first day of the month in which the individual begins participating in this activity as part of a welfare-to-work plan that was signed on or after December 1, 2004.

Factual Basis:

This section is necessary to provide guidance to counties to ensure statewide consistency in the implementation of Welfare and Institutions Code Section 11322.8(c), as amended by SB 1104, Chapter 229, Statutes of 2004. This section is also developed under the provisions of Welfare and Institutions Code Section 11053, which provides the Director of CDSS with the authority to adopt regulations to ensure consistency in the administration of the CalWORKs program. The 12-month limit starts in the month in which an individual begins vocational education and training because that is the manner in which vocational and educational training is tracked under TANF for federal work participation requirements.

Section 42-716.211(a)(1)

Specific Purpose:

This section is being adopted to specify that a month in which an individual participates in at least an average of 20 hours per week in core activities as described in Sections 42-716.31(a) through (j), and (n), does not count toward the 12-month limit on counting vocational education and training as a core activity, when the individual is also assigned to vocational education and training as part of a welfare-to-work plan.

Factual Basis:

This section is necessary to provide guidance to counties to ensure statewide consistency in the implementation of Welfare and Institutions Code Section 11322.8(c), as amended by SB 1104, Chapter 229, Statutes of 2004.

Section 42-716.22

Specific Purpose:

This section is being adopted to specify that if the core activity requirement is met, an adult recipient may satisfy the balance of the required hours of participation with any of the welfare-to-work activities as listed in Section 42-716.31.

Factual Basis:

This section is necessary to comply with Welfare and Institutions Code Sections 11322.8(c), (d), and (e), as amended by SB 1104, Chapter 229, Statutes of 2004.

Section 42-716.23

Specific Purpose:

This section is being adopted to specify which non-core activities may be counted toward the core hour requirement under certain circumstances.

Factual Basis:

This section is necessary to comply with Welfare and Institutions Code Sections 11322.8(c), (d), and (e), as amended by SB 1104, Chapter 229, Statutes of 2004, and SB 68, Chapter 78, Statutes of 2005.

**Final Modification:**

**Following the public hearing, this section is being amended to change "can" to "shall." This amendment is being done to make the language more directive and to comply with Welfare and Institutions Code Sections 11322.8 (d) and (e), as amended by SB 1104, Chapter 229, Statutes of 2004.**

Section 42-716.231

Specific Purpose:

This section is being adopted to specify when hours of participation in mental health substance abuse and domestic abuse services may be counted toward the core hours requirement.

Factual Basis:

This section is necessary to comply with Welfare and Institutions Code Sections 11322.8(c) and (d), as amended by SB 1104, Chapter 229, Statutes of 2004.

Sections 42-716.232 through 42-716.232(d)(1)

Specific Purpose:

These sections are being adopted to specify when hours of participation in classroom, laboratory, and internship activities in adult basic education, job skills training directly related to employment, satisfactory progress in a secondary school or in a course of study leading to a certificate of general educational development, and education directly related to employment programs, after meeting certain criteria, can be counted toward the core-hour requirement.

Factual Basis:

These sections are necessary to comply with Welfare and Institutions Code Section 11322.8(e), as amended by SB 1104, Chapter 229, Statutes of 2004, and SB 68, Chapter 78, Statutes of 2005.

Section 42-716.24

Specific Purpose/Factual Basis:

This section heading is being adopted to provide guidance on the additional conditions under which hours spent in non-core activities may count as core hours. This section is necessary for clarity and to comply with Welfare and Institutions Code Section 11322.8, as amended by SB 1104, Chapter 229, Statutes of 2004, and SB 68, Chapter 78, Statutes of 2005.

Section 42-716.241

Specific Purpose:

This section is being adopted to specify that non-core hours spent in other activities necessary to assist an individual in obtaining unsubsidized employment, as specified in Section 42-716.31(r), shall not prevent an individual from counting hours spent in non-core activities described in Section 42-716.23 as core hours.

Factual Basis:

This section is necessary to comply with Welfare and Institutions Code Section 11322.8(f), as amended by SB 68, Chapter 78, Statutes of 2005.

**Final Modification:**

**Following the notification for public hearing but prior to the emergency adoption of these regulations, this section was modified to include "participation required of the parent by the school to ensure the child's attendance" and to include the cross reference of the section which includes this requirement. This section is necessary to comply with Welfare and Institutions Code Section 11322.8(f), as amended by SB 68,**

**Chapter 78, Statutes of 2005. This amendment was made under the provisions of Welfare and Institutions Code Section 10553, which provides the Director of CDSS with the authority to adopt regulations to ensure consistency in the administration of the CalWORKs program.**

Section 42-716.242

Specific Purpose:

This section is being adopted to specify that hours spent in vocational education and training as a non-core activity, as specified in Section 42-716.31(m), shall prohibit an individual from counting non-core hours, as described in 42-716.23, as core hours.

Factual Basis:

This section is necessary Welfare and Institutions Code Section 11322.8, as amended by SB 1104, Chapter 229, Statutes of 2004.

Section 42-716.25 Example 1 (Handbook)

Specific Purpose/Factual Basis:

This handbook section is being added to provide counties an example in the application of Sections 42-716.23, and .231 when the county has determined that the number of hours of participation by the individual in treatment for substance abuse and mental health treatment cannot be fully accomplished within the non-core hours. This section is to provide guidance to counties in the implementation of Welfare and Institutions Code Section 11322.8, as amended by SB 1104, Chapter 229, Statutes of 2004.

Section 42-716.25 Example 2 (Handbook)

Specific Purpose/Factual Basis:

This handbook section is being added to provide counties an example in the application of Sections 42-716.23, and .232 when the county has determined that the number of hours of participation by the individual in classroom, laboratory, or internship activities in a job skills training program that are necessary to assist the individual to obtain a self-supporting job cannot be fully accomplished within the non-core hours. This section is to provide guidance to counties in the implementation of Welfare and Institutions Code Section 11322.8, as amended by SB 1104, Chapter 229, Statutes of 2004.

Section 42-716.25 Example 3 (Handbook)

Specific Purpose/Factual Basis:

This handbook section is being added to provide counties an example in the application of Sections 42-716.23, .231, and .232, when the county has determined that the number of hours of participation by the individual in classroom, laboratory, or internship activities in a job skills training program that are necessary to assist the individual to obtain a self-supporting job, and in substance abuse treatment cannot be fully accomplished within the non-core hours. This section is to provide guidance to counties in the implementation of

Welfare and Institutions Code Section 11322.8, as amended by SB 1104, Chapter 229, Statutes of 2004.

Section 42-716.25 Example 4 (Handbook)

Specific Purpose/Factual Basis:

This handbook section is being added to provide counties an example in the application of Sections 42-716.23, and .231, when the county has determined that the number of hours of participation by the individual in treatment for substance abuse cannot be fully accomplished within the non-core hours. This section is to provide guidance to counties in the implementation of Welfare and Institutions Code Section 11322.8, as amended by SB 1104, Chapter 229, Statutes of 2004.

Section 42-716.25 Example 5 (Handbook)

Specific Purpose/Factual Basis:

This handbook section is being added to provide counties an example in the application of Sections 42-716.211, .211(a), and .242, when a non-exempt individual participates in a vocational education program beyond 12 months. This section is to provide guidance to counties in the implementation of Welfare and Institutions Code Section 11322.8(c), as amended by SB 1104, Chapter 229, Statutes of 2004.

Section 42-716.25 Example 6 (Handbook)

Specific Purpose/Factual Basis:

This handbook section is being added to provide counties an example in the application of Sections 42-716.21, .23, .232, and .241, when the county has determined that the individual must participate in family maintenance activities and in education directly related to employment, and the hour of participation directly related to employment cannot be fully accomplished within the non-core hours. This section is to provide guidance to counties in the implementation of Welfare and Institutions Code Section 11322.8(c), as amended by SB 1104, Chapter 229, Statutes of 2004, and SB 68, Chapter 78, Statutes of 2004.

Sections 42-716.26 through 42-716.262

Specific Purpose:

Section 42-716.26 is being adopted to specify how study time hours shall be treated. Section 42-716.261 specifies that study time hours shall count as a core welfare-to-work activity if the individual receives educational credits or units for those hours, the credits and/or units count toward the completion of an individual's degree or certificate program, and the program for which study time is credited also meets the other criteria that allow participation in non-core activities to count as core hours. Section 42-716.262 specifies that, at the county's option, and when specified in the county's CalWORKs plan, non-credit

study time hours, whether supervised or unsupervised, can be counted as hours of participation, but only as non-core welfare-to-work activities.

Factual Basis:

This section is necessary to provide guidance to counties to ensure statewide consistency in the implementation of Welfare and Institutions Code Sections 11322.6, and 11322.8(c) and (e), as amended by SB 1104, Chapter 229, Statutes of 2004. This section is also developed under the provisions of Welfare and Institutions Code Section 10553, which provides the Director of CDSS with the authority to adopt regulations to ensure consistency in the administration of the CalWORKs Program.

Section 42-716.263 Example (Handbook)

Specific Purpose/Factual Basis:

This handbook section is being added to provide counties an example in the application of Sections 42-716.261, when the county has determined that the number of hours of participation by the individual in education directly related to employment, including credited study time hours, cannot be fully accomplished within the non-core hours. This section is necessary to provide guidance to counties to ensure statewide consistency in the implementation of Welfare and Institutions Code Sections 11322.6, and 11322.8(c) and (e), as amended by SB 1104, Chapter 229, Statutes of 2004. This section is also developed under the provisions of Welfare and Institutions Code Section 10553, which provides the Director of CDSS with the authority to adopt regulations to ensure consistency in the administration of the CalWORKs Program.

**Final Modification:**

**Following the public hearing, this handbook section is being changed to improve clarity. This is a nonsubstantive change without regulatory effect.**

Section 42-716.3 (Renumbered from Section 42-716.11)

Specific Purpose/Factual Basis:

This section is being renumbered from Section 42-716.11 to Section 42-716.3 for restructuring purposes to maintain proper numerical sequencing, but has no regulatory impact.

Section 42-716.31 (Renumbered from Section 42-716.111)

Specific Purpose/Factual Basis:

This section is being renumbered from Section 42-716.111 to Section 42-716.31. This renumbering is necessary for restructuring purposes to maintain proper numerical sequencing, but has no regulatory impact.

Section 42-716.31(d)(2)

Specific Purpose:

This section is being amended to specify that the maximum number of hours an individual may participate in unpaid work experience is limited by the calculations described in Sections 42-716.31(d)(2)(A) and (B).

Factual Basis:

This amendment is necessary to provide guidance to counties to ensure statewide consistency in the implementation of Welfare and Institutions Code Sections 11322.6. This section clarifies that while counties are still limited by the Simplified Food Stamps Program calculation when determining the maximum number of hours unpaid work experience may be assigned as a welfare-to-work activity, counties may also assign fewer hours in unpaid work experience than what the calculation determines, based on the individual's assessment. This amendment is also necessary to distinguish unpaid work experience from paid work experience, which is not subject to the calculation described in Sections 42-716.31(d)(2)(A) and (B). This section is developed under the provisions of Welfare and Institutions Code Section 10553, which provides the Director of CDSS with the authority to adopt regulations to ensure consistency in the administration of the CalWORKs program.

Section 42-716.31(d)(3) [Renumbered from Section 42-716.111(d)(3)]

Specific Purpose/Factual Basis:

This section is being renumbered from Section 42-716.111(d)(3) to Section 42-716.31(d)(3) for restructuring purposes to maintain proper numerical sequencing. This section is being amended to correct a cross-reference due to revisions to the regulations cited in this package. Neither of these changes have a regulatory impact.

Section 42-716.31(f) [Renumbered from Section 42-716.111(f)]

Specific Purpose/Factual Basis:

This section is being renumbered from Section 42-716.111(f) to Section 42-716.31(f) for restructuring purposes to maintain proper numerical sequencing. This section is also being amended to correct a cross-reference due to revisions to the regulations cited in this package. Neither of these changes have a regulatory impact.

Section 42-716.31(g) [Renumbered from Section 42-716.111(g)]

Specific Purpose/Factual Basis:

This section is being renumbered from Section 42-716.111(g) to 42-716.31(g) for restructuring purposes to maintain proper numerical sequencing. This section is also being amended to correct a cross-reference due to revisions to the regulations cited in this package. Neither of these changes have a regulatory impact.

Section 42-716.31(j)(1) (Renumbered from Section 42-716.42)

Specific Purpose/Factual Basis:

This section is being moved from existing Section 42-716.42 because the remainder of that section is being repealed. This section is also being renumbered for restructuring purposes due to revisions to the regulations cited in this package, but has no regulatory impact.

**Post-hearing Modification:**

**Section 42-716.31(j)(1)(A)**

**Specific Purpose:**

**This section is being adopted to ensure that revisions to the welfare-to-work plan are made as necessary to the community service assignment so that it continues to be consistent with the participant's plan and is effective in preparing the participant to obtain employment.**

**Factual Basis:**

**This section is necessary to ensure that a community service assignment assists an individual to develop the skills necessary to become economically self-sufficient. This section is also adopted under the provisions of Welfare and Institutions Code Section 10553, which provides the Director of the California Department of Social Services (CDSS) with the authority to adopt regulations to ensure consistency in the administration of the CalWORKs Program.**

Section 42-716.31(j)(2) [Renumbered from Section 42-716.111(j)(1)]

Specific Purpose:

This section is being renumbered from Section 42-716.111(j)(1) to Section 42-716.31(j)(2) to maintain proper numerical sequence, but has no regulatory impact. This section is also being amended to repeal a reference to the 18- or 24-month CalWORKs welfare-to-work time limit. The 18- or 24-month time limit was made obsolete as a result of the passage of SB 1104.

Factual Basis:

This change is necessary to comply with Welfare and Institutions Code Sections 11454, as amended by SB 1104, Chapter 229, Statutes of 2004.

Section 42-716.31(j)(2)(A) [Renumbered from Section 42-716.111(j)(1)(A)]

Specific Purpose:

This section is being renumbered from Section 42-716.111(j)(1)(A) to Section 42-716.31(j)(2)(A) to maintain proper numerical sequence, but has no regulatory impact. This section is also being amended for grammatical purposes and to add language that was previously found in Section 42-711.932.

Factual Basis:

These changes are necessary to comply with Welfare and Institutions Code Section 11322.9, as amended by SB 1104, Chapter 229, Statutes of 2004.

Section 42-716.31(j)(2)(B) [Renumbered from Section 42-716.111(j)(1)(B)]

Specific Purpose:

This section is being renumbered from Section 42-716.111(j)(1)(B) to Section 42-716.31(j)(2)(B) to maintain proper numerical sequence, but has no regulatory impact. The section is also being amended for grammatical purposes, and to add language previously found in Section 42-711.942.

Factual Basis:

These changes are necessary to comply with Welfare and Institutions Code Sections 11322.9, as amended by SB 1104, Chapter 229, Statutes of 2004.

Section 42-716.31(j)(3) (Repealed)

Specific Purpose:

This section is being repealed to remove an obsolete reference to the 18- or 24-month time limit as it relates to hours of participation in unpaid community service.

Factual Basis:

This section is being repealed to comply with Welfare and Institutions Code Section 11454, as amended by SB 1104, Chapter 229, Statutes of 2004.

Section 42-716.31(j)(3) [Renumbered from Section 42-716.111(j)(2)]

Specific Purpose/Factual Basis:

This section is being renumbered from Section 42-716.111(j)(2) to Section 42-716.31(j)(3) for restructuring purposes to maintain proper numerical sequencing. This section is also being amended to correct a cross-reference due to revisions to the regulations cited in this package. Neither of these changes have a regulatory impact.

Section 42-716.31(j)(4) (Renumbered from Section 42-716.43)

Specific Purpose/Factual Basis:

This section is being renumbered for restructuring purposes due to revisions to the regulations cited in this package, but has no regulatory impact.

Sections 42-716.31(q) and .31(s)

Specific Purpose/Factual Basis:

This section is being amended to correct cross-references due to revisions to the regulations cited in this package, but has no regulatory impact.

Sections 42-716.32 and .33 (Renumbered)

Specific Purpose/Factual Basis:

These sections are being renumbered from Sections 42-716.2 and .3 to Sections 42-716.32 and .33, respectively, for restructuring purposes to maintain proper numerical sequence. This section is also being amended to correct a cross-reference due to revisions to the regulations cited in this package. Neither of these changes have a regulatory impact.

Section 42-716.4 et seq. (Repealed)

Specific Purpose:

This section is being repealed due to the passage of SB 1104, which made the post 18- or 24-month CalWORKs welfare-to-work time limit community service requirement for individuals obsolete. There are two subsections within Section 42-716.4 which do not pertain to the 18- or 24-month time limit that still have relevance to community service as a welfare-to-work activity. These subsections have been moved to other areas in the

regulations: Section 42-716.42 has been moved to Section 42-716.31(j)(1) and Section 42-716.43 has been moved to Section 42-716.31(j)(4).

Factual Basis:

This section is being repealed to comply with Welfare and Institutions Code Sections 11322.9 and 11454, as amended by SB 1104, Chapter 229, Statutes of 2004.

Section 42-716.4 et seq. (Renumbered from Section 42-716.5 et seq.)

Specific Purpose/Factual Basis:

This section is being renumbered from Section 42-716.5 et seq. to Section 42-716.4 et seq. for restructuring purposes to maintain proper numerical sequencing. This section is also being amended to correct a cross-reference due to revisions to the regulations cited in this package. Neither of these changes have a regulatory impact.

Section 42-716.5 et seq. (Renumbered from Section 42-716.6 et seq.)

Specific Purpose/Factual Basis:

This section is being renumbered from Section 42-716.6 et seq. to Section 42-716.5 et seq. for restructuring purposes to maintain proper numerical sequencing, but has no regulatory impact.

Section 42-716.6 et seq. (Renumbered from Section 42-716.7 et seq.)

Specific Purpose/Factual Basis:

This section is being renumbered from Section 42-716.7 et seq. to Section 42-716.6 et seq. for restructuring purposes to maintain proper numerical sequencing. This section is also being amended to correct a cross-reference due to revisions to the regulations cited in this package. Neither of these changes have a regulatory impact.

Sections 42-716.7 through .715 (Renumbered)

Specific Purpose/Factual Basis:

These sections are being renumbered as follows: Section 42-716.8 to Section 42-716.7; Section 42-716.81 to Section 42-716.71; Section 42-716.811 to Section 42-716.711; Section 42-716.812 to Section 42-716.712; Section 42-716.813 to Section 42-716.713; Section 42-716.814 to Section 42-716.714; and Section 42-716.815 to Section 42-716.715. This renumbering is necessary for restructuring purposes to maintain proper numerical sequencing, but has no regulatory impact.

Section 42-716.716 (Renumbered from Section 42-716.816)

Specific Purpose/Factual Basis:

This section is being renumbered from Section 42-716.816 to Section 42-716.716 for restructuring purposes to maintain proper numerical sequencing. This section is also being amended to correct a cross-reference due to revisions to the regulations cited in this package. Neither of these changes have a regulatory impact.

Section 42-716.72 (Renumbered from Section 42-716.82)

Specific Purpose/Factual Basis:

This section is being renumbered from Section 42-716.82 to Section 42-716.72 for restructuring purposes to maintain proper numerical sequencing. This section is also being amended to repeal obsolete cross-references due to revisions to the regulations cited in this package. Neither of these changes have a regulatory impact.

Sections 42-716 through .732 (Renumbered)

Specific Purpose/Factual Basis:

These sections are being renumbered as follows: Section 42-716.83 to Section 42-716.73; Section 42-716.831 to Section 42-716.731; and Section 42-716.832 to Section 42-716.732. This renumbering is necessary for restructuring purposes to maintain proper numerical sequencing, but has no regulatory impact.

Section 42-716.84 (Repealed)

Specific Purpose:

This section is being repealed to remove the now obsolete requirement that once a participant has reached their 18- or 24-month limit, the subsidy provided to the employer is limited to the amount of the participant's diverted grant and/or grant savings. The 18- or 24-month time limit was made obsolete as a result of the passage of SB 1104.

Factual Basis:

This is necessary to comply with Welfare and Institutions Code Sections 11454, as amended by SB 1104, Chapter 229, Statutes of 2004.

Section 42-716.733 (Renumbered from Section 42-716.841)

Specific Purpose/Factual Basis:

This section is being renumbered from Section 42-716.841 to Section 42-716.733 for restructuring purposes to maintain proper numerical sequencing, and to correct a cross-reference due to revisions to the regulations cited in this package, but has no regulatory impact.

Sections 42-716.74 through .742(b) (Renumbered)

Specific Purpose/Factual Basis:

These sections are being renumbered as follows: Section 42-716.85 to Section 42-716.74; Section 42-716.851 to Section 42-716.741; and Section 42-716.852 to Section 42-716.742. New Section 42-716.741 is amended to correct cross-references. This renumbering is necessary for restructuring purposes to maintain proper numerical sequencing, but has no regulatory impact.

Section 42-716.75 (Renumbered from Section 42-716.86)

Specific Purpose/Factual Basis:

This section is being renumbered from Section 42-716.86 to Section 42-716.75 for restructuring purposes to maintain proper numerical sequencing, but has no regulatory impact.

Sections 42-716.76 through .765 (Renumbered)

Specific Purpose/Factual Basis:

This sections are being renumbered as follows: Section 42-716.87 to Section 42-716.76; Section 42-716.871 to Section 42-716.761; Section 42-716.872 to Section 42-716.762; Section 42-716.873 to Section 42-716.763; Section 42-716.874 to Section 42-716.764; and Section 42-716.875 to Section 42-716.765. This renumbering is for restructuring purposes to maintain proper numerical sequencing. This section is also being amended to correct a cross-reference in Section 42-716.765 due to revisions to the regulations cited in this package. Neither of these changes have a regulatory impact.

Sections 42-716.77 through .772 (Renumbered)

Specific Purpose/Factual Basis:

These sections are being renumbered as follows: Section 42-716.88 to Section 42-716.77; Section 42-716.881 to Section 42-716.771; Section 42-716.881(a) to Section 42-716.771(a); Section 42-716.881(b) to Section 42-716.771(b); and Section 42-716.882 to Section

42-716.772. This renumbering is necessary for restructuring purposes to maintain proper numerical sequencing, but has no regulatory impact.

Section 42-716.78 (Renumbered from Section 42-716.89)

Specific Purpose/Factual Basis:

This section is being renumbered from Section 42-716.89 to Section 42-716.78 for restructuring purposes to maintain proper numerical sequencing, but has no regulatory impact.

Section 42-718.211

Specific Purpose/Factual Basis:

This section is being amended to correct a cross-reference from Section 42-716.121 to Section 42-716.31 due to revisions to the regulations cited in this package, but has no regulatory effect.

Section 42-719.111(b) (Repealed)

Specific Purpose:

This section is being repealed to delete an obsolete reference to the 18- or 24-month CalWORKs welfare-to-work time limit.

Factual Basis:

This section is being repealed to comply with Welfare and Institutions Code Section 11454, as amended by SB 1104, Chapter 229, Statutes of 2004.

Section 42-719.111(b) [Renumbered from Section 42-719.111(c)]

Specific Purpose/Factual Basis:

This section is being renumbered from Section 42-719.111(c) to Section 42-719.111(b) for restructuring purposes to maintain proper numerical sequencing, but has no regulatory impact.

Section 42-719.21

Specific Purpose:

This section is being repealed to remove an obsolete reference to the 18- or 24-month CalWORKs welfare-to-work time limit.

Factual Basis:

This section is being repealed to comply with Welfare and Institutions Code Section 11454, as amended by SB 1104, Chapter 229, Statutes of 2004.

Section 42-720.1

Specific Purpose/Factual Basis:

This section is being amended to correct a cross-reference due to revisions to the regulations in this package, but has no regulatory impact.

Section 42-721.313

Specific Purpose:

This section is being amended to add cross-references to community service activities. This section is also being amended to repeal an incorrect cross-reference to hours of participation in unpaid community service. The requirements found in that section were repealed as a result of the changes from SB 1104.

Factual Basis:

This amendment is necessary to comply with Welfare and Institutions Code Section 11322.9, as amended by SB 1104, Chapter 229, Statutes of 2004.

Section 42-721.412 (Repealed)

Specific Purpose:

This section is being repealed to remove an obsolete requirement that any month in which an individual is sanctioned and removed from the assistance unit does not count toward the 18- or 24-month CalWORKs welfare-to-work time limit. The 18- or 24-month time limit was repealed as a result of SB 1104.

Factual Basis:

This section is being repealed to comply with Welfare and Institutions Code Section 11454, as amended by SB 1104, Chapter 229, Statutes of 2004.

Section 42-721.412 (Renumbered from Section 42-721.413)

Specific Purpose/Factual Basis:

This section is being renumbered from Section 42-721.413 to Section 42-721.412 for restructuring purposes to maintain numerical sequencing, but has no regulatory effect.

Section 42-721.413 (Renumbered from Section 42-721.414)

Specific Purpose/Factual Basis:

This section is being amended to correct a cross-reference due to revisions to the regulations in this package. This section is also being renumbered from Section 42-721.414 to Section 42-721.413 for restructuring purposes to maintain numerical sequencing. Neither of these revisions have a regulatory impact.

Section 42-722.61

Specific Purpose/Factual Basis:

This section is being amended to correct cross-references due to revisions to the regulations in this package, but has no regulatory impact.

Section 42-722.731(c)

Specific Purpose:

This section is being amended to remove an obsolete requirement that if an individual with a verified learning disability chooses to receive aid for a rescinded sanction period, all months in that period will not count toward the 18- or 24-month clock. The 18- to 24-month clock was made obsolete due to the passage of SB 1104.

Factual Basis:

This amendment is necessary to comply with Welfare and Institutions Code Section 11454, as amended by SB 1104, Chapter 229, Statutes of 2004.

Section 42-722.8 et seq. (Repealed)

Specific Purpose:

These sections were repealed to remove references to the retrospective adjustment of the 18- or 24-month time clock when an individual has a verified learning disability. The 18- to 24-month time clock was made obsolete due to the passage of SB 1104.

Factual Basis:

This repeal is necessary to comply with Welfare and Institutions Code Section 11454, as amended by SB 1104, Chapter 229, Statutes of 2004.

Section 42-722.8 (New)

Specific Purpose/Factual Basis:

This section is being adopted for clarity to provide a new title for inter-county transfers of individuals with learning disabilities and has no regulatory impact.

Sections 42-722.81 through .813 (Renumbered)

Specific Purpose/Factual Basis:

These sections are being renumbered as follows: Section 42-716.85 to Section 42-716.81; Section 42-716.851 to Section 42-716.811; Section 42-716.852 to Section 42-716.812; and Section 42-716.853 to Section 42-716.813. This renumbering is necessary for restructuring purposes to maintain proper numerical sequencing, but has no regulatory impact.

Section 42-802.2

Specific Purpose/Factual Basis:

This section is being amended to correct a cross-reference due to revisions to the regulations cited in this package, but has no regulatory impact.

Section 42-1009.112

Specific Purpose/Factual Basis:

This section is being amended to correct a cross-reference due to revisions to the regulations cited in this package, but has no regulatory impact.

Section 42-1010.1

Specific Purpose/Factual Basis:

This section is being amended to correct a cross-reference due to revisions to the regulations cited in this package, but has no regulatory impact.

**Final Modification:**

**Following the notification for public hearing but prior to the emergency adoption of these regulations, this section was modified to correctly show the cross reference of other activities from 42-716.431 to 42-716.131.**

Section 44-111.233

Specific Purpose/Factual Basis:

This section is being amended to correct a cross-reference due to revisions to the regulations cited in this package, but has no regulatory impact.

Section 63-407.241(b) (Handbook)

Specific Purpose/Factual Basis:

This section is being changed to correct cross-references due to revisions to the regulations cited in this package, but has no regulatory impact.

b) Identification of Documents Upon Which Department Is Relying

Senate Bill (SB) 1104, Chapter 229, Statutes of 2004  
SB 68, Chapter 78, Statutes of 2005

c) Local Mandate Statement

These regulations do impose a mandate upon local agencies, but not upon school districts. The mandate is not required to be reimbursed pursuant to Part 7 (commencing with Section 17500) of Division 4 of the California Constitution because implementation of the regulations will, if anything, result in savings.

d) Statement of Alternatives Considered

CDSS has determined that no reasonable alternative considered would be more effective in carrying out the purpose for which the regulations are proposed or would be as effective and less burdensome to affected private persons than the proposed action.

e) Statement of Significant Adverse Economic Impact On Business

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.

f) Testimony and Response

These regulations were considered as Item #1 at the public hearing held on January 18, 2006 in Sacramento, California. Written testimony was received from Jodie Berger on behalf of Legal Services of Northern California, Western Center on Law and Poverty, Neighborhood Legal Services of LA County, CCWRO, and LAFLA. The comments received and the Department's responses to those comments follow.

Section 42-711.622 (submitted as Section 42-712.622)

1. Comment:

42-712.622: We still assert this tolling should also apply to Mental Health, Substance Abuse and Domestic Violence evaluations, under the same circumstances (between date appointment is scheduled and date get report). Otherwise, this will put the county in the position of developing a WtW plan without the necessary information, and put recipients at risk of failing in their assigned activity.

712.622(a)(1): Please delete the requirement that advance notice must be given to the CWDs for good cause to toll the time period in question. Alternatively, delete subsection (1) or add after "includes":

includes, **but is not limited to,** time when the individual notifies the county in advance....

Adding the requirement of advance notification to the criterion limits good cause and the tolling provisions inappropriately. A person may notify the CWD during the second hour of job club, yet that won't be "in advance" and won't toll the 90 days. As a policy matter, we think that DSS and the County would want this "late" good cause to toll the 90 days.

Response:

The Department does not agree that the tolling of the 30- and 90-day periods should also apply to mental health, substance abuse and domestic violence evaluations, because those qualified to conduct such evaluations are more readily available than those qualified to conduct learning disability evaluations. Also, counties have indicated that there is not a problem with getting these evaluations performed within the current timeframes. Therefore, counties are not put in the position of developing a WTW plan without the necessary information to do so.

In response to the second and third paragraphs, the Department does not agree with adding the additional language to this subsection. The regulations do not limit the granting of "good cause" to those individuals who notify the county in advance. The purpose of this subsection is to make it clear that "time in good cause" includes when the individual notifies the county in advance that he or she cannot attend an assigned activity and the county determines that the individual has good cause. Therefore, the Department is not amending this section in response to this comment.

Section 42-711.625 (submitted as Section 41-712.625)

2. Comment:

41-712.625: To clarify this section, add the word "temporary" ("diagnose with a temporary medical condition"). This can help meet our concern that the exemption is not one that the county should inquire whether the person needs to reverify to continue.

Response:

The Department does not agree with this comment. This may or may not be a temporary medical condition. This could be a permanent medical condition where during this four-month period the individual is experiencing a short-term exacerbation, which in turn impairs the individual's ability to be regularly employed or participate in welfare-to-work activities. Existing regulations already state that an exemption may be reviewed at the time the condition is expected to end, or sooner if there is reason to believe that there has been a change in the condition. Therefore, the Department is not amending this section in response to this comment.

Section 42-711.63 (submitted as Section 42-712.623)

3. Comment:

42-712.623 Missing word "as" and a comma: "A participant shall take part in one or more welfare-to-work activities, as defined in Section 42-716, for the required minimum hours as specified in Section 42-716.2, and **as** provided in the welfare-to-work plan ..."

Response:

The Department agrees with the recommended grammatical changes and Section 42-711.63 is being amended to reflect these changes.

Section 42-713.221

4. Comment:

42-713.221: This does not correctly state the DV good cause provisions, as it merges the general DV good cause for waiver of *program requirements* with the general welfare-to-work good cause. The standard for a DV waiver is whether the program rule for which the individual is seeking a waiver, would make it more difficult for the family to escape abuse, remain with the abuser, or otherwise unfairly penalize the family. The standard is not whether DV *prevents* employment or participation in WTW. This section therefore should cross-refer to the broader standard.

.221 CalWORKs Program requirements, including the time limits on receipt of assistance described in Sections 42-710 and 42-3002, and welfare-to-work

requirements described in Section 42-711 may be waived, except as specified in Section 42-715.511, for an individual who is a victim of domestic abuse (as defined in Section 42-701.2(d)(3)) on a case-by-case basis, ~~but only for as long as domestic abuse prevents the individual from obtaining employment or participating in welfare to work activities,~~ in accordance with Section 42-715.1.

Response:

The Department is not amending this section, as the change requested exceeds the scope of this regulations package.

Section 42-715.51

5. Comment:

42-715.51 would need to be modified, and instead of referring to 42-713.22, include the correct definition, as set forth in WIC 11495.

Response:

The Department is not amending this section, as the change requested exceeds the scope of this regulations package.

Section 42-716.23

6. Comment:

42-716 .23: As currently written, the "conversion" of non-core hours to core is listed as optional ("can count"). This permissive language has caused confusion, with counties believing that whether or not to count non-core hours that meet the conversion factors is optional, and that they can require 20 core hours, regardless of the assessed needs. It would further clarify this issue to say that non-core hours **MUST** be counted as core if they meet the criteria. (The conversion is only triggered when the assessed non-core activities cannot be accomplished in the non-core time, so there is no reason **NOT** to make this mandatory language), as limited by subsection .24.

Hours spent in specified non-core domestic abuse services, as described laboratory, and internships in adult related to employment, satisfactory study leading to a certificate of general directly related to employment, as described (p) respectively] in excess of those hours ~~can~~ **shall** count as core hours if:....

Response:

The Department agrees with this recommendation to change "can" to "shall," just not in the part of this section where indicated by the comment. The Department believes that it was the intent of this comment to recommend this change be made to a different part of this section, where it would effect the change that the commenter would like it to have on this section. Therefore, the Department is amending this section as follows: "Hours spent in specified non-core activities...in excess of those that can be accomplished within the non-core hours ~~can~~ shall count as core hours if..."

Section 42-716.242

7. Comment:

42-716.242: Contrary to the Initial Statement of Reasons contained in this regulation package, Section 716.242 (and the related examples commented upon below) go far beyond the SB 1104 and SB 68 amendments to W& I Code Section 11322.8, and exceeds the language of the statute. In effect, by limiting the conversion of other activities if Vocational Education is a non-core activity, DSS eliminates Vocational Education as a countable (non-core) activity after 12 months. The proposed example five illustrates this well. The effect will be that individuals will be forced to quit vocational activity after 12 months to engage in 32/35 hours of other non-core and core activity. But the Legislature in SB 1104 did not go that far. Instead, it only limited Voc Ed as a countable core activity to 12 months, and then specified it would count as non-core thereafter. The proposed regulation eliminates or severely curtails the ability to count vocational education after 12 months as a non-core activity whenever another convertible activity is also implicated. In essence, the proposed rule would create a third category of activities solely for vocational education – making it excludable rather than countable as non-core as required by the Legislature.

SB 68 contains a provision clarifying when WTW activities could be combined. (See 7/05 Senate and Assembly Floor Analyses.) It only addresses the fact that participation in the "other activities" listed in subsection (r) do not prevent other non-core hours from being counted as core hours. The only other *codified legislative* provision is on counting vocational ed is that found in SB 1104, namely that vocational education cannot be anything *other than* a non-core activity after 12 cumulative months of being counted as a core activity. Although there was discussion of the issue of vocational education after 12 cumulative months as a core activity affecting the conversion of other non-core activities, the legislature did *not* choose to codify that discussion. The goal of mandating core hours is maintained if the *only* hours that can be converted when someone is assessed as needing voc ed for more than 12 months as core hours are those *other than* the vocational education hours that are necessary for the person to do the core activities. For any other activity to convert into a core hour, it simply must be necessary to accomplish the core activity. This reading of the statutory provisions recognizes both the "activities" and the "conversion" sections of the law, which the proposed regulation does not. We suggest that you strike this language and instead use the following language:

Hours spent in non-core activities necessary to assist an individual in obtaining unsubsidized employment, as specified in Section 42-716.31(r), shall not prevent an individual from counting hours spent in those non-core activities described in Section 42-716.23, as core hours.

Response:

The Department does not agree with this comment that Section 42-716.242 goes far beyond the SB 1104 and SB 68 amendments to Section 11322.8 of the Welfare and Institutions Code, and exceeds the language of the statute. Section 11322.8(f) of the Welfare and Institutions Code clearly states that spending hours in any or all of the activities specified in "other activities necessary to assist an individual in obtaining unsubsidized employment," subdivision (r) of Section 11322.6 shall not make a recipient ineligible to count activities set forth in subdivisions (d) and (e) toward the core activities requirements, as appropriate. Since vocational education, after being counted as a core activity for 12 months is not included in Section 11322.8(f) of the Welfare and Institutions Code, participation in this welfare-to-work activity, after being counted as a core activity for 12 months, makes a recipient ineligible to count activities set forth in subdivisions (d) and (e) toward the core activities requirements. The Department believes that the provisions of Section 42-716.242 are consistent with Welfare and Institutions Code Section 11322.8. Therefore, the Department is not amending this section in response to this comment.

Section 42-716.25: Example #1

8. Comment:

42-716.25: Example #1: An individual whose SA and MH hours comprise more than half the mandatory hours of participation may very well be exempt. In order to not give the impression that such a person could not or would not be exempt, delete the first sentence re: "is not exempt." Instead, add at the end of the example, "The County should review whether the individual should be exempt." Or "The County should provide the individual an opportunity to request an exemption, should the individual believe the impairment or combination of impairments significantly impairs his/her ability to participate in WTW activities."

Response:

The Department does not agree with this comment. Mental health and substance abuse treatment are themselves welfare-to-work activities. A combined 18 hours of substance abuse and mental health treatment are necessary for the individual in this example to participate in her core welfare-to-work activity. Subdivision (d) of Section 11322.8 of the Welfare and Institutions Code clearly contemplates that an individual may be assigned to more than 12 or 15 hours of substance abuse or mental health treatment, because it states that hours spent in activities listed under subdivision (q) of Section 11322.6 (mental health, substance abuse, and domestic violence) *shall count*

*toward the core activity requirement in subdivision (c) of Section 11322.8 to the extent that these activities are necessary to enable the individual to participate in core activities and to the extent that these activities cannot be accomplished within the additional non-core hours of participation required by subdivision (c). Therefore, the Department believes that Handbook Section 42-716.25, Example 1 is consistent with the provisions of subdivision (d) of Section 11322.8 of the Welfare and Institutions Code. The Department is not changing or deleting this handbook section.*

Section 42-716.25: Example #4

9. Comment:

42-716.25, Example #4: We object to this example, as someone who needs 32 hours of substance abuse treatment should be exempt, as they are unable to be employed or to participate in other WTW activities. The law only requires that the plan provide for other WTW activities for those in full-time substance abuse treatment after 6 months in residential treatment. Calling the program "short-term" does not solve this problem. As the example gives the impression that the person could not be exempted, and as other examples show the "conversion" of non-core services activities to core activities, we recommend that this example be eliminated. At a minimum, if this example is kept in, it should apply only to someone who had already received 6 months of residential substance abuse treatment.

Response:

The Department does not agree with this comment that an individual who needs 32 hours of substance abuse treatment should be exempt, as they are unable to be employed or to participate in other welfare-to-work activities. Section 11325.8(d) of the Welfare and Institutions Code clearly states that *no recipient may participate in a substance abuse treatment program for longer than six months without concurrently participating in a work activity*, to be determined by the county and the recipient, in consultation with the treatment provider. *However, if the recipient is in a state-licensed residential facility or a certified nonresidential substance abuse program that requires him or her to stay at the program site for a minimum of three hours per day, three days per week, or otherwise not to participate in nonprogram activities, the requirements of the treatment program shall fulfill the recipient's work activity requirement.* Therefore, the Department believes that Handbook Section 42-716.25, Example 4 is consistent with the provisions of Welfare and Institution Code Section 11325.8 (d). The Department is not changing or deleting this handbook section.

Section 42-716.25: Example #5

10. Comment:

42-716.25: Example # 5: We object to this example, and request its deletion, for the reasons stated above regarding subsection .242. The individual in the example should be allowed to count Voc. Ed. as non-core for 12 hours; Substance Abuse as convertible core for 8 hours (because it is necessary to do the other core activities). This means that they will need only 12 hours of other Core activity such as Work Experience (rather than the 20 shown in the example).

In addition, any mention of volunteer activities for hours exceeding the required 32-35/week should state that the county must provide support services for the volunteer hours listed in the WTW plan.

Response:

In reference to the first paragraph of this comment, please see response to Comment #7. Regarding the second paragraph, the Department is not changing this handbook section in response to this comment, since the purpose of this example is to illustrate how the core and non-core welfare-to-work construct works in relation to an individual participating in a post 12-month vocational education program. A discussion of supportive services requirements exceeds the scope of this regulations package.

Handbook Section 42-716.263

11. Comment:

42-716.263: Study Time Example: Thank you for including this example. Given the confusion around study time, it is critical to include it in this package.

The example, however, could be rewritten for clarity:

in an "education directly related to employment" certificate program (~~accounting technician program~~ that meets all specified criteria) to obtain a self-supporting job as an accounting technician.

Response:

The Department agrees and, for clarity, Section 42-716.263 is amended to read as follows: "...in an 'education directly related to employment' certificate program (~~accounting technician program~~ that meets all specified criteria) to obtain a self-supporting job as an accounting technician..."

### Section 42-716.3

#### 12. Comment:

42-716.3 should be clarified to state that the job skills to be enhanced or acquired should be identified in the WTW plan. We find that counties often skip this process, or do not inform the participants of it, so that the participant is not aware of the purpose of the assignment. Without this information, the individual cannot raise concerns with the worker if the assignment is not meeting these goals, or when s/he feels these skills have been appropriately developed so the individual could request consideration for another assignment.

#### Response:

The Department is not amending this section, as the change requested exceeds the scope of this regulations package.

### Section 42-716.42 (submitted as Section 42-726.42)

#### 13. Comment:

Also, the provisions of .42 regarding community service that were still relevant should not just be deleted, but should be moved up to this section:

42-726.42 The CWD shall review the community service activity as necessary to determine the participant's progress toward reaching the training goal.

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

Given on-going confusion, a regulation that specifies that any prior limitation on the length of education and training (18-24) does not affect the current assignment or length of time to participate in the activity, and which makes clear that only the assessment would govern that finding.

#### Response:

The Department agrees that the relevant provisions of Section 42-716.42 should not be repealed. As a part of this regulations package, Section 42-716.42 has been renumbered to 42-716.31(j)(1). However, the Department agrees that Section 42-716.421, which was repealed, is still relevant. Therefore, the Department is adopting Section 42-716.31(j)(1)(A), which will reflect the provisions of Section 42-716.421, which was repealed as a part of this regulation package.

Regarding the last paragraph of this comment, the Department believes that the regulations are clear about the length of time an individual may participate in education and training welfare-to-work activities as well as the role of the assessment in determining which activities may be included in an individual's welfare-to-work plan. Therefore, the Department is not adopting a new section.

g) 15-Day Renotice Statement

Pursuant to Government Code Section 11346.8, a 15-day renotice and complete text of modifications made to the regulations were made available to the public following the public hearing. No written testimony on the modifications renoticed for public comment from June 21, to July 6, 2006 was received.