

**DEPARTMENT OF SOCIAL SERVICES**

744 P Street, Sacramento, CA 95814



July 28, 2006

Regulation Package #0805-14

CDSS MANUAL LETTER NO. FS-06-03

TO: HOLDERS OF THE FOOD STAMP MANUAL, DIVISION 63

**Regulation Package # 0805-14****Effective 08/19/06****Section 63-410**

This manual letter has been posted on the Office of Regulations Development website at [http://www.dss.cahwnet.gov/ord/FoodStamps\\_618.htm](http://www.dss.cahwnet.gov/ord/FoodStamps_618.htm).

The Food and Nutrition Service (FNS) issued federal regulations that implemented provisions of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA), including the Able-Bodied Adult Without Dependents (ABAWD) work requirements. Federal ABAWD regulations are codified at 7 CFR 273.24 and are published in the Federal Register (Volume 66, Number 11). State ABAWD regulations at Manual of Policies and Procedures Section 63-410 are consistent with federal regulations.

Assembly Bill 444 (Chapter 1022, Statutes of 2002) established a quarterly reporting/prospective budgeting (QR/PB) system for the CalWORKs and Food Stamp programs, which replaced the Monthly Reporting/Retrospective Budgeting system. Emergency regulations that implement the QR/PB system took effect July 1, 2004. The emergency regulations were revised following the public hearing and were filed with the Office of Administrative Law with an effective date of August 5, 2005.

On December 3, 2004, the FNS issued correspondence to the California Department of Social Services (CDSS) which provided that for a quarterly reporting household, an ABAWD whose exemption stops midquarter would be considered exempt for the remainder of the quarter. An individual whose exemption stops for a reason not subject to reporting requirements would be assessed for exemption status at recertification. CDSS included a post-hearing amendment in the QR/PB regulations package that reflects this policy.

On May 27, 2005, FNS reversed this policy. Now, an individual who no longer qualifies for an ABAWD exemption is immediately subject to the ABAWD work requirement and may not be considered exempt for the remainder of the quarter or for the remainder of the certification period. State QR/PB regulations must be amended by removing language that is inconsistent with current federal policy. This amendment is necessary to avoid county errors and accompanying federal financial penalties for California. The county errors will take the form of food stamp overissuances to ABAWDs whose exemption ends mid-quarter, but who are incorrectly treated as exempt for the remainder of the quarter making them eligible for food stamps.

These regulations were considered at the Department's public hearing held on March 15, 2006 with an effective date of August 19, 2006.

**FILING INSTRUCTIONS**

**Revisions to all manuals are shown in graphic screen.** The attached pages are to be entered in your copy of the Manual of Policies and Procedures. The latest prior manual letter containing Food Stamp Manual changes was FS-06-02.

Page(s)

Replace(s)

207.3

Page 207.3

Attachments

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<b>63-410</b>	<b>FOOD STAMP WORK REQUIREMENT FOR ABLE-BODIED ADULTS WITHOUT DEPENDENTS (ABAWD) (Continued)</b>	<b>63-410</b>
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- .212 Participating in a workfare program as defined in Section 20 of the Food Stamp Act (7 U.S.C. 2029) or in a comparable program. This includes workfare job search identified in Section 63-407.841(b)(1)(A); or
- .213 Participating in an allowable “work program” for 20 hours or more per week (averaged monthly). For purposes of this section, an allowable work program means one of the following:
  - (a) A program under the Job Training Partnership Act;
  - (b) A program under Section 236 of the Trade Act of 1974 (19 U.S.C. 2296); or
  - (c) A program of employment and training approved by a state agency, including the Food Stamp Employment and Training (FSET) program described in Section 63-407.8, and refugee employability services identified in 45 CFR 400.154.
    - (1) Hours spent in job search or job search training activities identified in Section 63-407.841(a) shall not count toward completion of the ABAWD work requirement.
- .22 Good Cause
  - .221 If an individual works an average of 80 hours per month but missed some scheduled work for a circumstance beyond his/her control and the absence is temporary and the individual retains his/her job, the individual shall have met the ABAWD work requirement for the month. As defined in Section 63-407.5, good cause for circumstances beyond the individual’s control includes, but is not limited to, illness, illness of another household member requiring the presence of the ABAWD, a household emergency, or the unavailability of transportation.
  - .222 An individual satisfying the ABAWD work requirement through FSET, who missed scheduled work in a month for a circumstance beyond his/her control provided in Section 63-410.221, shall have met the ABAWD work requirement and complied with the FSET assignment for that month.

**.3 Exemptions**

The following individuals are exempt from the ABAWD work requirement:

- .31 Persons exempt from the work registration requirements as specified in Section 63-407.21;

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- .32 An individual who is:
  - .321 Under 18 or 50 years of age or over;
  - .322 Pregnant; or
  - .323 Any adult living in a household that contains a dependent child.
- .33 Persons living in any portion of the state which has received Federal approval to waive application of the ABAWD work requirement shall also be considered exempt from the requirements of Section 63-410.
- .34 Individuals who qualify for the 15 percent ABAWD exemption determined by the CWD. The number of individuals, who can be exempted by a CWD each year under this section, and the duration of these exemptions, are limited to the number of ABAWD exemption months allocated each year by CDSS to each CWD.
- .35 Those months during which an individual is exempt for all or part of the month, in accordance with Section 63-410.3, shall not be considered in determining whether the participation requirement identified in Section 63-410 has been satisfied.
- .36 Persons who become exempt after having lost eligibility in accordance with Section 63-410.4 or .522 are not subject to the ABAWD work requirement while exempt and may resume receiving food stamps by reapplying if otherwise eligible.

| (QR) .37 Repealed by Manual Letter No. FS-06-03 effective 8/19/06.