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January 7, 2016

Regulation Package No. 0914-08

CDSS MANUAL LETTER NO. EAS-16-01

TO: HOLDERS OF THE ELIGIBILITY AND ASSISTANCE STANDARDS MANUAL

Regulation Package #0914-08

Effective 12/23/15

Sections: 42-302, 42-701, 42-708, 42-709, 42-711, 42-712, 42-713, 42-714, 42-716, 42-717, 42-720, 42-721, 42-722, 42-802, 42-1009, 42-1010, 44-111

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

This manual letter represents the regulations based on the public process of the Administrative Procedures Act (APA) being finalized with a Certificate of Compliance to the APA. These regulations implemented Senate Bill 1041 (Chapter 47, Statutes of 2012) on an emergency basis, which made substantial changes to Welfare-to-Work requirements in the California Work Opportunity and Responsibility to Kids (CalWORKs) program. They were further modified during the public process of the APA.

A public hearing was held on April 8, 2015, to receive public comments regarding these emergency regulations. All documents reviewed and approved by Office of Administrative Law are posted on the Office of Regulations Development website at <http://www.cdss.ca.gov/ord/PG3671.htm>.

FILING INSTRUCTIONS

Revisions to all manuals are indicated by a vertical line in the left margin. The attached pages are to be entered in your copy of the Manual of Policies and Procedures. The latest prior manual letter containing Eligibility and Assistance Standards Manual changes was EAS-15-03.

Page(s)

Replace(s) Page(s)

193.3
223.1 through 224.1
224.8 and 224.9
224.12 through 228.1

193.3
223.1 through 224.1
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234.1 and 235
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396 and 397

234.1 and 235
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254 and 255
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279.9 and 279.10
396 and 397

Attachment

KJ

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

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- (a) Repealed by Manual Letter No. EAS-03-04, effective 4/9/03.
- (b) Repealed by Manual Letter No. EAS-03-04, effective 4/9/03.
- (c) Repealed by Manual Letter No. EAS-03-04, effective 4/9/03.

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

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42-701	INTRODUCTION TO WELFARE-TO-WORK	42-701
	(Continued)	

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

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

42-702 CALWORKS WELFARE-TO-WORK ENROLLMENT REQUIREMENTS 42-702

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

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

42-708 WELFARE-TO-WORK 24-MONTH TIME CLOCK 42-708

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

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

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- (a) This includes individuals whose needs have been removed from the family's cash aid due to an Intentional Program Violation (IPV) under Sections 20-351 through 20-353.
- (b) This includes individuals who are in an assistance unit which is receiving a grant of less than \$10 per month.

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

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

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

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

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

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

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

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

42-708	WELFARE-TO-WORK 24-MONTH TIME CLOCK (Continued)	42-708
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- .631 Except for individuals described in Section 42-708.252, when verification indicates an individual who has not exhausted his or her Welfare-to-Work 24-Month Time Clock and whose welfare-to-work plan is designed to meet CalWORKs federal standards in accordance with Section 42-711.63 has not met those standards, the CWD shall inform the individual of the following as soon as administratively feasible:
 - (a) That months will count toward the individual's Welfare-to-Work 24-Month Time Clock beginning the month following the date that the CWD verified that the individual was not meeting CalWORKs federal standards.

.7 Welfare-to-Work 24-Month Time Clock Extensions

.71 CWD Extension Estimates

- .711 The Department shall provide each CWD with an estimate of the number of Welfare-to-Work 24-Month Time Clock extensions available to the CWD in accordance with this section.
- .712 The estimated number of extensions for each CWD shall be equal to 20 percent of the assistance units in that CWD in which all adult members of the assistance unit have exhausted their Welfare-to-Work 24-Month Time Clock and at least one adult remains eligible for aid under the CalWORKs 48-month time limit.
- .713 The Department shall estimate the number of assistance units that will meet the criteria provided in Section 42.708.712 in each CWD for each six-month period commencing January 1, 2015, and shall transmit the estimated number of extensions available to each CWD in a manner determined by the Department.
- .714 If the number of estimated extensions available for the current six-month period is lower than the prior six-month period and the CWD has already exceeded the new estimate, the CWD shall not rescind extensions already granted to accommodate the lower figure.
- .715 Each CWD shall report information regarding the number and percentage of extensions granted.
- .716 If a CWD grants more extensions than the number that was estimated by the Department in accordance with Section 42-708.713, the Department may request the CWD to provide additional information including the actual number of assistance units to exhaust the Welfare-to-Work 24-Month Time Clock during that six-month period and factors that contributed to the actual number of extensions granted.

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

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

42-708	WELFARE-TO-WORK 24-MONTH TIME CLOCK (Continued)	42-708
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- (d) Review of the individual's welfare-to-work plan to determine if additional hours or activities will be needed in order for the individual to meet CalWORKs federal standards upon the exhaustion of his or her Welfare-to-Work 24-Month Time Clock.

NOTE: Authority Cited: Sections 10553, 10554, 10604, Welfare and Institutions Code. Reference: Sections 10553, 10554, 10604, 11253.3, 11320, 11320.3, 11322.8, 11322.85, 11322.86, 11322.87, 11454, 11454.2, and 11454.5, Welfare and Institutions Code; 45 CFR 260, and 42 U.S.C. 607(c) and (d).

42-709	CALWORKS FEDERAL STANDARDS	42-709
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.1 General Provisions

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

HANDBOOK ENDS HERE

.2 Hourly Participation Requirements to Meet CalWORKs Federal Standards

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

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

- .211 Except as specified in Sections 42-709.212 and 213, an adult recipient who is not exempt from participation and who is in a one-parent assistance unit shall participate in welfare-to-work activities for an average of at least 30 hours per week during the month.
- (a) An average of at least 20 hours per week of participation must be in core welfare-to-work activities, as specified in Section 42-709.31.
- .212 Unless otherwise exempt from participation, an adult recipient in a one-parent assistance unit where no other parent or caretaker relative resides in the household shall participate in welfare-to-work core activities for an average of at least 20 hours per week during the month, as specified in Section 42-709.31 if one of the following conditions are met:
- (a) There is a child under six in the assistance unit.
- (b) There is a child under six in the home who is not in the assistance unit, but the adult recipient exercises responsibility for the day-to-day care and control of that child.
- .213 Unless otherwise exempt from participation, an adult recipient in a one-parent assistance unit with a second parent in the home who has exhausted his or her 48-month time limit on cash aid or has been removed from the assistance unit pursuant to Section 42-721.4 shall participate in welfare-to-work activities for an average of at least 35 hours per week during the month, of which an average minimum of 30 must be in core activities as specified in Section 42-709.31.
- (a) A parent who has exhausted his or her 48-month time limit on cash aid may contribute toward the 35-hour requirement.
- (b) For a parent who has been removed from the assistance unit pursuant to Section 42-721.4, if the noncompliant parent complies with the requirements of Section 42-721.43, any hours he or she successfully completes in relation to Section 42-721.43 shall be considered toward the 35-hour requirement.
- .22 An adult in a two-parent assistance unit that does not include an optional stepparent, as defined in Section 42-701.2(o)(3)
- .221 Unless exempt from participation, an adult recipient in a two-parent assistance unit whose basis for aid is unemployment shall participate in welfare-to-work activities for an average of at least 35 hours per week during the month, of which an average of 30 must be in core activities as specified in Section 42-709.31. The remaining hours can be in core or non-core activities as specified in Section 42-709.3.
- (a) Both parents may contribute toward the 35 average total hourly requirements, including the requirement that an average of 30 hours be in core activities.

42-709	CALWORKS FEDERAL STANDARDS (Continued)	42-709
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.222 Unless exempt from participation, an adult recipient in a two-parent assistance unit where there is a second aided adult in the home who is exempt from welfare-to-work requirements due to a disability shall participate in welfare-to-work activities for an average of at least 30 hours per week during the month, of which an average of 20 must be in core activities as specified in Section 42-709.31. The remaining hours may be in core or non-core activities as specified in Section 42-709.3.

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

.23 Optional stepparents, as defined in Section 42-701(o)(3), in the assistance unit

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

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

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

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

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

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

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

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

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

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

- (2) Only two adults in the assistance unit may combine hours to fulfill the 35 average total hourly requirement, including the requirement that an average of 30 hours be in core activities.
- (3) If one or more adults in the assistance unit are exempt from participation, the other nonexempt adult or adults, if any, must fulfill the 35 average total hourly requirement, including the requirement that an average of 30 hours be in core activities.
- (d) An assistance unit that has two natural or adoptive parents and at least one is exempt from welfare-to-work requirements due to a disability.
 - (1) At the option of the assistance unit, either the nonexempt natural or adoptive parent or the optional stepparent shall participate in welfare-to-work activities for an average of at least 30 hours per week during the month, of which an average of 20 must be in core activities as specified in Section 42-709.31.
 - (2) Only one adult in the assistance unit can fulfill the minimum average 30-hour per week requirement.
 - (3) If two adults in the assistance unit are exempt from participation, the nonexempt adult must fulfill the minimum average of 30-hour per week requirement.

.3 Core and Non-Core Welfare-to-Work Activities for CalWORKs Federal Standards

.31 Core activities for CalWORKs federal standards

.311 Unsubsidized employment, as defined in Section 42-701.2(u)(2), and including

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

.312 Subsidized employment, as defined in Section 42-701.2(s)(2), and including

- (a) Grant-based on-the-job training (OJT) as defined in Section 42-701.2(g)(2) and in accordance with Section 42-716.5
- (b) OJT, as defined in Section 42-701.2(o)(2)
- (c) Work study, as defined in Section 42-701.2(w)(5)

.313 Work experience as defined in Section 42-701.2(w)(4) and in accordance with Section 42-716.1(d)

42-709	CALWORKS FEDERAL STANDARDS (Continued)	42-709
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- .314 Community service as defined in Section 42-701.2(c)(5) and in accordance with Section 42-716.1(j)

- .315 Vocational education as defined in Section 42-716.1(m) that conforms to the following time limit limitation:
 - (a) Vocational education as a countable core activity is limited to a 12-month lifetime maximum.

- .316 Job search as defined in Section 42-701.2(j)(4) and job readiness as defined in Section 42-701.2(j)(3) that conforms to the following time limit limitation:
 - (a) Job search and job readiness is limited to four consecutive weeks, not to exceed six weeks in a 12-month period.

 - (b) Job readiness may include any of the following activities:
 - (1) Mental health treatment services as defined in Section 42-716.2
 - (2) Substance abuse treatment services as defined in Section 42-716.3
 - (3) Domestic abuse services as defined in Section 42-713.221
 - (4) Assessment pursuant to Section 42-711.55

- .317 Providing child care to a community service program participant

- .32 Non-core activities for CalWORKs federal standards
 - .321 Job skills training directly related to employment as defined in Section 42-716.1(l).

 - .322 Education directly related to employment as defined in Section 42-716.1(o), when an individual has not achieved a high school diploma or its equivalent.

 - .323 Satisfactory attendance in a secondary school or in a GED course as defined in Section 42-716.1(p).

- .4 Deeming Hours for Community Service and/or Unpaid Work Experience as a Core Activity
 - .41 When an individual participates in unpaid work experience or community service for the maximum hours established in Section 42-716.1(d)(2) and Section 42-716.1(j)(2), respectively, the individual shall be deemed to meeting the core activity requirement.

42-709	CALWORKS FEDERAL STANDARDS	42-709
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- .42 Individuals who are deemed to have met hours of participation in a core activity in accordance with Section 42-709.41, must in addition to the actual hours worked in community service or unpaid work experience, participate in additional hours such that his or her total number of actual hours meets the requirements of Section 42-709.2. Additional hours may be in core or non-core activities.

- .5 Determining Whether CalWORKs Federal Standards are Met
 - .51 Determining whether CalWORKs federal standards are met for participants with time remaining on their Welfare-to-Work 24-Month Time Clock whose welfare-to-work plan is designed to meet CalWORKs federal standards in accordance with Section 42-709.2
 - .511 Except as described in Section 42-709.512, CalWORKs federal standards are met in a month based on the scheduled hours of the participant.
 - .512 When verification indicates an individual has not met CalWORKs federal standards in accordance with Section 42-709.52, the CWD shall begin counting months toward that participant's Welfare-to-Work 24-Month Time Clock in accordance with Section 42-708.25.
 - .52 Determining whether CalWORKs federal standards are met in a month for purposes of determining compliance after exhausting the Welfare-to-Work 24-Month Time Clock or whether a month does not count toward the Welfare-to-Work 24-Month Time Clock for participants whose welfare-to-work plan is designed to meet CalWORKs minimum standards.
 - .521 CalWORKs federal standards are met in a month by participating for the required number of hours described in Sections 42-709.2 and .4 in welfare-to-work activities described in Section 42-709.3.
 - .522 Monthly participation must include verification of actual hours of participation.
 - .53 The required average number of participation hours per week in the month for each assistance unit, as described in Section 42-709.2, is determined by dividing the recipient's total number of participation hours for the month in all activities, described in Section 42-709.3, by 4.33.

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

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

42-711	WELFARE-TO-WORK PARTICIPATION REQUIREMENTS	42-711
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- .1 Program Information for Applicants
 - .11 At the time an individual applies for aid or at the time a recipient's eligibility for aid is determined, the CWD shall do the following:
 - .111 Determine whether the individual is required to participate in welfare-to-work activities.
 - .112 Provide the individual, in writing and orally as necessary, with information including:
 - (a) A general description of education, employment, training opportunities, and the supportive services available, including transitional benefits.
 - (b) A general description of the Welfare-to-Work 24-Month Time Clock described in Section 42-708, including the following:
 - (1) Activities individuals can participate in during the 24-month period, pursuant to Section 42-716.1.
 - (2) Conditions that make months not count toward the 24-month period, pursuant to Section 42-708.3.
 - (3) Activities that individuals shall participate in after they have exhausted the 24-month period in order for adults to remain eligible for cash aid pursuant to Section 42-711.7.
 - (c) A description of the exemptions from required welfare-to-work participation provided in Section 42-712 and the consequences of a failure or refusal to participate in program components if not exempt, pursuant to Section 42-721.3.
 - .12 At the time an individual is required to participate in welfare-to-work activities, he or she will receive a written preliminary determination, if applicable, that he or she is a member of a targeted group for purposes of any federal or state employer tax credit that may be operative.
- .2 Cal-Learn Exclusion
 - .21 The provisions of Section 42-711 shall not apply to individuals who are required to participate in, participating in, or exempt from, the Cal-Learn Program, as described in Sections 42-762 through 42-769.
- .3 Non-Cal-Learn 19-Year-Old Custodial Parents
 - .31 A 19-year-old custodial parent who has no high school diploma or equivalent and is not participating in Cal-Learn is required to participate in welfare-to-work activities only to earn a high school diploma or its equivalent.

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

- .311 The CWD may determine that participation in education activities for the purpose of earning a high school diploma or equivalent is inappropriate for a 19-year-old custodial parent:
 - (a) On the basis of an evaluation, pursuant to Section 42-711.58, which indicates that, because of a learning disability or medical problem, the individual is unable to successfully complete or benefit from these educational activities; or
 - (b) If at appraisal, the parent is already in an educational or vocational program that is approvable as a SIP in accordance with Section 42-711.541.

- .32 A 19-year-old custodial parent who has a high school diploma or equivalent is required to participate in welfare-to-work activities and is subject to all program requirements.

- .4 Hours of Participation
 - .41 Requirements to meet CalWORKs minimum standards for adults who have months remaining on their Welfare-to-Work 24-Month Time Clocks, as described in Section 42-708.
 - .411 Adult in One-Parent Assistance Unit that does not include an optional stepparent, as defined in Section 42-701.2(o)(3).
 - (a) Unless exempt from participation, an adult recipient in a one-parent assistance unit shall participate in welfare-to-work activities for an average of at least 30 hours per week during the month.
 - (b) Unless exempt from participation, an adult recipient in a one-parent assistance unit shall participate in welfare-to-work activities, described in Section 42-716.1, for an average of at least 20 hours per week during the month if one of the following conditions are met:
 - (1) There is a child under six in the assistance unit.
 - (2) There is a child under six in the home who is not in the assistance unit but the adult recipient exercises responsibility for the day-to-day care and control of that child.

 - .412 Adult(s) in Two-Parent Assistance Unit, as defined in Section 42-701.2(t)(1), that does not include an optional stepparent, as defined in Section 42-701.2(o)(3).

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

Regulations

42-711 (Cont.)

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

- (a) Unless exempt from participation, an adult recipient in a two-parent assistance unit whose basis for aid is unemployment shall participate in welfare-to-work activities, as defined in Section 42-716.1, for an average of at least 35 hours per week during the month.
 - (1) Both parents in a two-parent assistance unit may contribute toward the 35-hour requirement
- (b) Unless exempt from participation, an adult recipient in a two-parent assistance unit where there is a second adult in the home who is exempt from welfare-to-work due to a disability shall participate in welfare-to-work activities for an average of at least 30 hours per week during the month.
 - (1) Unless also exempt from participation, the adult recipient may participate in welfare-to-work activities, described in Section 42-716.1, for an average of at least 20 hours per week during the month if one of the following conditions are met:
 - (A) There is a child under six in the assistance unit.
 - (B) There is a child under six in the home who is not in the assistance unit but the adult recipient exercises responsibility for the day-to-day care and control of that child.
- (c) To be eligible for federally-funded CalWORKs child care, both parents shall participate to meet the family's minimum participation requirement of an average of at least 55 hours per week in welfare-to-work activities.
 - (1) The 55-hour requirement does not apply to the family if an adult in the family is disabled, caring for a severely disabled child, or if nonfederal funds are used for child care.

.413 Assistance Units that Include Optional Stepparents as defined in Section 42-701.2(o)(3).

- (a) An assistance unit that has no natural or adoptive parent
 - (1) Unless otherwise exempt from participation, the optional stepparent shall participate in welfare-to-work activities, as described in Section 42-716.1, for an average of at least 30 hours per week during the month when there is no child under six.

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(Continued)

- (2) Unless otherwise exempt from participation, the optional stepparent may participate in welfare-to-work activities, as described in Section 42-716.1, for an average of at least 20 hours per week during the month if one of the following conditions are met:
 - (A) There is a child under six in the assistance unit.
 - (B) There is a child under six in the home who is not in the assistance unit but the adult recipient exercises responsibility for the day-to-day care and control of that child.

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

- (c) An assistance unit that has two natural or adoptive parents
 - (1) At the option of the assistance unit, one adult alone or in combination with the participation of another adult shall participate in welfare-to-work activities, as described in Section 42-716.1, for an average of at least 35 hours per week during the month.

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

- (2) Only two adults in the assistance unit can fulfill the minimum average 35-hour per week requirement.
 - (3) If an adult in the assistance unit is exempt from participation, the other adult or adults must fulfill the minimum average 35-hour per week requirement.
- .42 Hours of participation for recipients who choose to meet CalWORKs federal standards and have months not count toward their Welfare-to-Work 24-Month Time Clocks, pursuant to Section 42-708, and recipients who have exhausted their 24-month time clocks are specified in Section 42-709.2.
- .43 The required average number of participation hours per week in the month for each assistance unit, as described in Section 42-711.4, is determined by dividing the recipient's total number of participation hours for the month in all activities, described in Section 42-716.1, by 4.33.
- .5 Assignment of Recipients to Welfare-to-Work Activities
- .51 After aid has been granted, recipients who are not exempt in accordance with Section 42-712, shall participate in welfare-to-work activities in the following sequence.

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

HANDBOOK ENDS HERE

- .512 A county shall provide welfare-to-work activities and services to a reunification parent, including a sanctioned individual, pursuant to the temporary absence/family reunification provisions of Section 82-812.68, and the county child welfare services agency determines that such services are necessary for family reunification.
- .513 If an individual returns to the Welfare-to-Work Program after not receiving aid for six months, he or she shall be treated as a new participant for the purposes of this section, including qualifications for a SIP as described in Section 42 711.541(a).

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

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

.52 Appraisal

.521 Recipients are required to participate in the appraisal specified in Section 42-711.522. At the option of the CWD, applicants may voluntarily participate.

.522 Prior to the appraisal, the CWD shall provide orientation that informs the individual in writing of the following:

(a) The requirement to participate in available welfare-to-work activities up to the time limit specified in Section 42-302.11 and for the required number of participation hours pursuant to Sections 42-711.41 and 42-711.7.

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

(1) Information regarding child care shall include the following:

(A) For an individual to receive child care, he or she must request and be determined eligible for the services:

(B) Payments for child care services cannot be made for care provided more than 30 calendar days prior to the applicant's or recipient's request for child care, pursuant to Section 47-430.2; and

(C) The individual is responsible for any child care services received prior to the 30-calendar-day period in Section 42-711.522(b)(1)(B).

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

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

- (h) Other information gathered during the participant's appraisal.
 - (i) Other information gathered during participation in Family Stabilization.
 - .555 The CWD may contract with outside parties, including local educational agencies and service delivery areas, to provide the assessment.
 - .556 If the participant disagrees with the results of the assessment, the matter shall be referred by the CWD for an independent assessment by an impartial third party.
 - (a) The results of this assessment, which shall be binding upon the county and the participant, shall be used to develop the appropriate plan for the participant.
 - (1) No state hearing shall be granted regarding an assessment used to develop a welfare-to-work plan until an independent third-party assessment has been performed.
 - (b) No third party assessment shall be made by a party having any financial or other interest in the result of the assessment. The party making the assessment must be selected by the county according to an unbiased procedure.
 - .557 An assessment, described in Section 42-711.55, shall not be required to develop a welfare-to-work plan for participants in approved SIPs unless the CWD determines that an assessment is necessary to assign the participant to concurrent activities to meet the minimum hourly participation requirement specified in Section 42-711.544.
 - .558 An assessment, as described in Section 42-711.55, shall not be required for those welfare-to-work activities and services that are only provided as a component of a reunification plan as defined in Section 80-301(r)(5), subject to the temporary absence/family reunification provisions of Section 82-812.68.
 - (a) An assessment and a welfare-to-work plan as described in Sections 42-711.55 and .6 respectively, are necessary for any welfare-to-work activities and services that are provided separate and beyond those welfare-to-work activities and services that are specified in a reunification plan.
 - .56 Mental Health Assessment
- If there is a concern that a mental disability exists that will impair the ability of a recipient to obtain employment, he or she shall be referred to the county mental health department.

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

HANDBOOK ENDS HERE

.57 Substance Abuse Assessment

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

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

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

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

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

HANDBOOK BEGINS HERE

- (b) Examples which may constitute good cause for waiving program requirements for victims of domestic abuse include, but are not limited to:
- (1) The participant is fleeing the abuser and is in temporary housing or is homeless;
 - (2) The participant has entered a shelter;
 - (3) The participant is concerned about the safety of his/her children;
 - (4) The participant is a party to a restraining order or divorce action against the abuser; or
 - (5) The participant and/or the children are undergoing counseling to cope with the effects of the abuse.

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- .23 Licensed or license-exempt child care is not reasonably available during the individual's hours of training or employment, including commuting time, or arrangements have broken down or have been interrupted for the following children:
- .231 A child 10 years of age or younger, or
 - .232 A child 11 years of age or older as described in Section 47-201.22 or .23, or
 - .233 A child who is in foster care or is an SSI recipient and who is not included in the assistance unit.
- .24 Good cause criteria in Section 42-713.23 includes the unavailability of suitable special needs child care for children with identified special needs including, but not limited to, disabilities or chronic illnesses.
- .25 For purposes of Sections 42-713.23 and 42-713.24, reasonably available means at least one appropriate, suitable, and affordable child care arrangement that is commonly available in the participant's community to a person who is not receiving aid, that is available to parents during the hours that they are required to participate in county-approved activities or employment, and is within a reasonable distance from the participant's home or work site.

42-713	GOOD CAUSE FOR NOT PARTICIPATING (Continued)	42-713
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- .251 Appropriate and suitable child care is child care that meets the needs of the child and the parent, and meets one of the following requirements:
 - (a) Child care that is licensed for the appropriate age group or special needs category.
 - (b) License exempt child care that meets Trustline clearance requirements, unless that child care is exempted from Trustline.
 - (c) Suitable child care provided by the parent, legal guardian, other member of the assistance unit, or an eligible provider as defined by Section 47-260.
 - (1) Informal child care is unsuitable where the individual(s) providing the care cannot be Trustline registered in accordance with Section 47-600 or who would otherwise be denied payment for child care services that are exempt from licensure, due to a violent felony conviction, in accordance with Section 47-620.2.

- .252 Affordable child care is child care where the unreimbursed cost to the family does not exceed the family fees established by the state in accordance with Sections 47-401.7 and .8.

- .253 Reasonable distance means the distance customarily traveled by working families in accessing child care services in the community.

- .3 An individual shall have good cause for not complying with program requirements if he or she meets the criteria described in Section 42-721.3.

- .4 An individual who is excused from welfare-to-work participation for good cause is subject to the 48-month time limit in Section 42-302.
 - .41 A CWD may waive the 48-month time limit for victims of domestic abuse as provided in Section 42-713.221(a).
 - .42 Repealed by Manual Letter No. EAS-06-01, effective 4/3/06.
 - .43 Effective July 28, 2009, any month in which an individual is excused from participation for good cause due to lack of supportive services, as specified in Section 42-713.21, shall not be counted toward the 48-month time limit. This paragraph shall become inoperative on January 1, 2013.

NOTE: Authority cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code. Reference: Sections 11320.3(b) and (f), 11323.2, 11325.23(c), 11454, 11454.2, 11454.5, 11454.5(c), 11495, and 11495.1, Welfare and Institutions Code; 42 U.S.C. 607(e)(2); and 45 CFR 261.15.

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

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

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

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

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

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

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

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

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

42-716	WELFARE-TO-WORK ACTIVITIES (Continued)	42-716
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- (m) Vocational education and training including, but not limited to, college and community college education, adult education, regional occupational centers, and regional occupational programs.
 - (1) Any child care provider job training that is funded by either the State Department of Education or the California Department of Social Services shall include information on becoming a licensed child care provider.
 - (n) Job search and job readiness assistance as defined in Sections 42-701.2(j)(3) and (4).
 - (o) Education directly related to employment.
 - (p) Satisfactory progress in a secondary school or in a course of study leading to a certificate of general educational development, in the case of a recipient who has not completed secondary school or received such a certificate.
 - (q) Mental health (see Section 42-716.4), substance abuse (see Section 42-716.5), and domestic abuse services (see Section 42-713.221) that are necessary to obtain and retain employment.
 - (r) Other activities necessary to assist an individual in obtaining unsubsidized employment.
 - (s) Participation required of the parent by the school to ensure the child's attendance, in accordance with Section 42-711.642(a).
- .11 Assignment to an educational activity identified under Sections 42-716.1(k), (m), (o), and (p) is limited to those situations in which the education is needed to become employed.
- .12 Every CWD shall provide an adequate range of the activities described in Section 42-716.1 to ensure each participant's access to needed activities and services to assist him or her in seeking employment, to provide education and training the participant needs to find self-supporting work, and to arrange for placement in paid or unpaid work settings that will enhance a participant's ability to obtain unsubsidized employment.

.2 Mental Health Treatment Services

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

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

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

42-716	WELFARE-TO-WORK ACTIVITIES (Continued)	42-716
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- .572 The CWD shall collect and maintain such records as are necessary to verify participating employer's retention of participants or subsequent unsubsidized employment with other employers.

- .58 Any participant in a grant-based OJT-funded position, who fails or refuses to comply with program requirements without good cause shall be sanctioned in accordance with Section 42-721.4.

- .6 Education Activities
 - .61 An individual assigned to participate in adult basic education, job skills training directly related to employment, vocational education and training, education directly related to employment, and satisfactory progress in a secondary school or in a course of study leading to a certificate of general educational development, as described in Sections 42-716.1(k), (l), (m), (o), and/or (p) respectively, may also be assigned supervised or unsupervised homework time as part of his or her welfare-to-work plan.
 - .611 Hours spent in supervised homework time and up to one hour of unsupervised homework time for each hour of class time may be assigned as participation in the assigned activity in the individual's welfare-to-work plan.
 - .612 Total homework time counted as participation must not exceed the hours required or advised by the education program.

 - .62 An individual assigned to participate in adult basic education, job skills training directly related to employment, vocational education and training, education directly related to employment, and satisfactory progress in a secondary school or in a course of study leading to a certificate of general educational development, as described in Sections 42-716.1(k), (l), (m), (o), and/or (p) respectively, or participating in a Self-Initiated Program as described in Section 42-711.54, may elect to participate in distance learning for some or all of his or her classroom hours.
 - .621 Distance learning activities are subject to satisfactory participation standards as described in Section 42-711.8. No additional satisfactory participation standards may be required of participants in distance learning activities.

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

.7 Assembly Bill (AB) 98 Subsidized Employment

.71 AB 98 subsidized employment shall be used to place participants in subsidized employment that is performed in the private sector or subsidized employment that is performed in the public sector as indicated in Sections 42-716.1(b) and 42-716.1(c).

.711 To ensure cost neutrality to the state budget, AB 98 subsidized employment shall not be used to place participants in the following types of subsidized employment due to funding requirements:

- (a) Grant-based on-the-job training as indicated in Section 42-716.1(f) and pursuant to Section 42-716.5.
- (b) Supported work or transitional employment as defined in Section 42-701.2(s)(4), and pursuant to Section 42-716.5.
- (c) Work study as indicated in Section 42-716.1(h).

.72 Eligibility for entry into AB 98 subsidized employment under this section shall be limited to individuals who are not otherwise employed at the time of entry into the subsidized employment, and who meet one of the following criteria:

.721 Aided CalWORKs recipients participating in the welfare-to-work Program.

- (a) These individuals may continue to participate in a county's AB 98 subsidized employment program if the family becomes ineligible for CalWORKs aid due to AB 98 subsidized employment income.

.722 Individuals in welfare-to-work sanction status as described in Section 42-721 who will cure their sanctions through AB 98 subsidized employment participation.

- (a) AB 98 participants who cure their sanctions through AB 98 subsidized employment must maintain compliance with welfare-to-work requirements to continue in an AB 98 subsidized employment position.

42-716	WELFARE-TO-WORK ACTIVITIES (Continued)	42-716
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- .723 Individuals who have exceeded CalWORKs time limits and are receiving Safety Net benefits for their eligible children as defined in Section 42-302.1.
 - (a) These individuals may continue to participate in a county's AB 98 subsidized employment program if the family becomes ineligible for CalWORKs Safety Net benefits due to AB 98 subsidized employment income.

- .73 AB 98 wage subsidies are limited to a maximum of six months for each participant.

- .731 Upon entry into AB 98 subsidized employment, a Welfare-to-Work client shall participate in an AB 98 subsidized employment placement for no longer than six months.
 - (a) In order to mutually benefit the employer and the participant, AB 98 subsidized employment placements can be extended up to six additional months for up to a total of 12 months.

- .74 If provided for in a county plan, the county may provide welfare-to-work services to former recipients whose families become ineligible for CalWORKs due to AB 98 subsidized employment income.
 - .741 The county may provide these services for up to the first 12 months of employment, to the extent they are not available from other sources and are needed for the individual to retain the subsidized employment.

- .8 Expanded Subsidized Employment
 - .81 Eligibility for entry into expanded subsidized employment under this section shall be limited to individuals who meet one of the following criteria:
 - .811 Aided CalWORKs recipients participating in the Welfare-to-Work Program.
 - (a) These individuals may continue to participate in a county's expanded subsidized employment program if the family becomes ineligible for CalWORKs aid due to expanded subsidized employment income.

 - .812 Individuals in welfare-to-work sanction status as described in Section 42-721.4 who will cure their sanctions through expanded subsidized employment participation.
 - (a) Expanded subsidized employment participants who cure their sanctions through expanded subsidized employment must maintain compliance with welfare-to-work requirements to continue in an expanded subsidized employment placement.

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

- .82 Expanded subsidized employment wage subsidies are limited to a maximum of six months for each participant, unless the county determines that the participant meets the requirements for an extension.
 - .821 Extensions to expand subsidized employment placements may be granted no more than twice, in three-month increments, not to exceed a total placement of 12 months. The county shall grant an extension if the additional time will increase the likelihood of either of the following:
 - (a) The participant obtaining unsubsidized employment with the participating employer.
 - (b) The participant obtaining specific skills and experiences relevant for unsubsidized employment for a particular field.
 - .822 The reason for each extension must be recorded in the participant's CalWORKs case file.
- .83 If provided for in a county plan, the county may provide welfare-to-work services to former recipients whose families become ineligible for CalWORKs due to expanded subsidized employment income.
 - .831 The county may provide these services for up to the first 12 months of employment, to the extent they are not available from other sources and are needed for the individual to retain the subsidized employment.

NOTE: Authority cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code. Reference: Sections 11253.5(b), 11265.1, 11265.2, 11320.3(b)(2), 11322.6, 11322.61, 11322.63, 11322.64, 11322.7, 11322.8, 11322.9, 11323.25, 11324.4, 11324.6(a), 11325.21(a) and (d)(1), 11325.22(b)(1), 11325.7(a), (c), and (d), 11325.8(a), (c), (d), and (f), 11326, 11327.5, 11450.5, 11451.5, 11454, and 11454.2, Welfare and Institutions Code; and Section 8358(c)(2), Education Code; 7 U.S.C. 2029(a)(1); 7 U.S.C. 2035; U.S. Department of Labor guidance on FLSA, with attached U.S.D.A., Food and Nutrition Service (FNS) guidance on an SFSP, dated May 22, 1997; Simplified Food Stamp Program approval letters from FNS to implement the provisions of an SFSP, dated May 5, 2000 and August 3, 2000.

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

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

42-717	JOB RETENTION SERVICES (Continued)	42-717
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- .111 The date that the former recipient's aid is discontinued, if the former recipient is employed at that time.
- .112 The date that the former recipient becomes employed.
- .12 Job retention services may include but are not limited to case management, mental health and/or substance abuse services, domestic abuse services, parenting classes, vocational training, and supportive services (transportation, ancillary).
- .13 A former recipient who does not become employed during the 12 month period after being discontinued from aid is not eligible to receive services under Section 42-717.
- .2 The CWD may provide job retention services to the extent that the services are:
 - .21 not provided by the employer or the entity that arranged the job placement, if other than the county;
 - .22 not available from other sources;
 - .23 needed for the individual to retain employment, or needed to advance to new employment that may provide greater income or better benefits.
- .3 The CWD may provide services to employed former recipients under Section 42-717 whether or not the former recipients have exhausted their CalWORKs 48-month time limits.
- .4 If the CWD decides to offer services to former recipients under Section 42-717, the CWD:
 - .41 May establish eligibility criteria for those services in addition to the eligibility criteria contained in Sections 42-717.1 and .2. If additional criteria are established, they must be reflected in the County Plan (see Section 42-780).
 - .42 Shall adopt written policies determining the duration and types of, and, when applicable, the reimbursement rate for, those services.
- .5 In accordance with Section 47-230.14, child care shall be available to former recipients for up to two years from the date the recipient leaves cash aid.
- .6 There is no community service requirement for services provided under Section 42-717, unless the CWD adopts a policy requiring community service.
- .7 If the county provides services to the recipient after the 48-month limit has been reached, the recipient shall participate in community service or subsidized employment as described in Section 42-716.7.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 11320.15, 11323.2(b), 11454, 11454.2, and 11500, Welfare and Institutions Code.

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

- .313 The employment, offer of employment, activity, or other training for employment is remote from the individual's home because either:
 - (a) The round-trip travel time required exceeds a total of two hours, exclusive of the time necessary to transport family members to a school or place providing care, or
 - (b) Walking is the only available means of transportation and the round-trip is more than two miles, exclusive of the mileage necessary to accompany family members to a school or a place providing care.
 - (c) An individual who fails or refuses to comply with the program requirements based on the remoteness of the employment, offer of employment, activity, or other training for employment shall be required to participate in community service activities as defined in Section 42-701.2(c)(5), and in accordance with Section 42-716.1(j)(2).

- .314 The employment, offer of employment, activity, or other training for employment involves conditions that are in violation of applicable health and safety standards.

- .315 The employment, offer of employment, or work activity does not provide for worker's compensation insurance.

- .316 Accepting the employment or work activity would cause an interruption to an approved education or job training program in progress. For purposes of this section, an education or job training program includes all welfare-to-work activities described in Section 42-716, except work experience or community service assignment.
 - (a) The approved education or job training program in progress must lead to employment and sufficient income to be self-supporting.
 - (b) If the hours of participation in the approved education or job training program in progress are less than the hours required as a condition of eligibility for aid, the CWD may require the individual to engage in welfare-to-work activities to the extent necessary to meet the required hours of participation.

- .317 Accepting the employment, offer of employment, or work activity would cause the individual to violate the terms of his or her union membership.

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

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

.4 Sanctions

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

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

- .421 To an individual who is exempt from the welfare-to-work requirements and is voluntarily participating in the Welfare-to-Work Program. If an exempt volunteer engages in conduct that would bring about the sanction procedures described in Sections 42-721.43 through .45, but for his or her status as a volunteer, the individual shall not be given priority over other participants actively seeking to participate.
- .422 Except as specified in paragraph (a), an individual who chooses to include more participation hours in his or her welfare-to-work plan than is required pursuant to Section 42-711.4, shall not be subject to a sanction if the number of hours he or she completes in a week is at least the number of hours required in Section 42-711.4.
 - (a) Section 42-721.422 does not apply to individuals who fail to continue employment, or continue employment at the same level of earnings, pursuant to Sections 42-721.222 and .223 respectively without good cause.

42-722	LEARNING DISABILITIES PROTOCOLS AND STANDARDS	42-722
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(Continued)

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

.6 Learning Disabilities Participation Requirements

.61 Unless exempt pursuant to Section 42-712, an individual with a learning disability must participate for the required number of hours as specified in Sections 42-711.41 or 42-709.2.

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

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

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

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

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

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

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

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

42-722	LEARNING DISABILITIES PROTOCOLS AND STANDARDS	42-722
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(Continued)

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

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

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

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

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

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

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

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

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

44-113 NET INCOME 44-113

.1 Property

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

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

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

44-113	NET INCOME (Continued)	44-113
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2. Interest on encumbrance payments (do not deduct principal payments).
3. Insurance.
4. Utilities.
5. Upkeep and major repairs.

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

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

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

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