

SHD Paraphrased Regulations - Food Stamps
300 Work Registration

300-1

Persons registered for work under the FS Program, or a program specified in §§63-407.21(c) or (e) shall;

- .41 Comply with the requirements of the FS Employment and Training Program, as described in §63-407.8, when assigned by the county.
- .42 Respond to a request for supplemental information regarding employment status or availability for work.
- .43 Report to an employer to whom referred, if the potential employment meets the suitability requirements described in §63-407.7.
- .44 Accept a bona fide offer of suitable employment, as defined in §63-407.7.

(§63-407.4)

300-3

The CDSS has issued tables to clarify the participation requirements for Able-Bodies Adults Without Dependents (ABAWDs) and non-ABAWDs in FSET and non-FSET counties. The tables do not supersede any regulations governing FSET participation requirements. However, there are two changes to current policies that are discussed below in which state regulations will be amended to reflect the revised federal policies.

First, in light of the Food and Nutrition Service's (FNS) Administrative Notice 97-40 and their recent clarification, the participation requirements for self-initiated workfare have been changed. Hours of participation in self-initiated workfare will now be determined by dividing the household's FS allotment by the higher of the federal or state minimum wage. Previously, counties were instructed to require participation of 20 hours per month and were told that additional hours could be required at county option. The new policy of using the minimum wage calculation supersedes the instructions contained in All County Letter (ACL) No. 98-07, Enclosure I and All County Information Notice No. I-76-00, question 11.

Second, revised federal ABAWD regulations at 7 Code of Federal Regulations (CFR) §273.24 (a)(3)(iii) provide that training programs which satisfy the ABAWD work requirement, including FSET vocational education and training components, may include participation in job search or job club. However, the number of hours spent in job search/job club must be combined with another training activity (i.e., it cannot be a stand-alone activity), and it must be less than half of the total hours required for the training activity. For example, a vocational training component of 15 hours per week may include a maximum of seven hours per week in job search.

(All-County Information Notice No. I-37-01, May 21, 2001)

300-3A

The following tables set forth the FS participation requirements in non-FSET counties.

Participation Requirements in Non-FSET Counties

SHD Paraphrased Regulations - Food Stamps
300 Work Registration

Activities	ABAWDs	Non-ABAWDs	Authority
Employment	Satisfies the ABAWD work requirement of 20 hours per week, averaged monthly. Hours can be less when combined with other ABAWD activities, except Comparable or Self-Initiated Workfare.	N/A	MPP 63-410.211; ACL 98-21, Question 9
Workforce Investment Act Activities	Satisfies the ABAWD work requirement of 20 hours per week, averaged monthly. Hours can be less when combined with other ABAWD activities.	N/A	MPP 63-410.213(a); ACL 98-21, Question 9
Refugee Employment and Training	Satisfies the ABAWD work requirement of 20 hours per week, averaged monthly. Hours can be less when combined with other ABAWD activities.	N/A	MPP 63-410.213(c); ACL 98-21, Question 9
Comparable Workfare, e.g., GA Workfare	Satisfies the ABAWD work requirement. Hours are set by the county.	N/A	MPP 63-410.212
Self-Initiated Workfare	Satisfies the ABAWD work requirement. Hours are determined by dividing the household's FS allotment by the higher of the state or federal minimum wage.	N/A	ACL 98-07, Encl. 1; ACIN I-76-00, Questions 10 and 11; FNS Admin Notice 97-40

Work Registration Exemptions:

- > Younger than 16 years of age or 60 years of age or older.
- > 16- or 17-year-old who is not head of household, or who is attending school or enrolled in an employment training program on at least a half-time basis.
- > Physically or mentally unfit for employment.
- > Complying with CalWORKs Welfare-To-Work requirements.
- > Caring for a dependent child under age 6 or an incapacitated person.
- > Receiving or has applied for unemployment insurance benefits.
- > Participating in a drug or alcohol treatment program that prohibits employment of 30 hours or more per week.
- > Employed or self-employed at least 30 hours per week or receiving weekly earnings at least equal to the federal minimum wage multiplied by 30 hours.
- > Half-time school attendance.

SHD Paraphrased Regulations - Food Stamps
300 Work Registration

ABAWD Exemptions:

- > Under 18 or 50 years of age or older.
- > Pregnancy.
- > Residing in a food stamp household that contains a dependent child.
- > Meets the work registration exemptions (see above).
- > Exempt under the 15% ABAWD exemption criteria.

ABAWD Work Rule: For a Non-Assistance Food Stamp (NAFS) recipient over age 17 and under age 50, eligibility for food stamps is limited to any three months in a 36-month period during which the individual does not satisfy the ABAWD work requirement. The ABAWD work requirement is met by working or participating at least 20 hours per week in an allowable work activity, or by participating in workfare for the number of hours equal to the household's food stamp allotment divided by the higher of the federal or state minimum wage. The three-month eligibility limitation does not apply to individuals who meet one of the ABAWD or Work Registration exemption criteria shown above (MPP §§63-407.21 and 63-410.3).

Food Stamp Sanctions: A voluntary quit or noncompliance with Refugee Employment and Training or Comparable Workfare shall result in a minimum one, three, or six-month FS sanction, unless the individual qualifies for an FS work registration exemption. ABAWD exemptions, other than work registration exemptions, will not end an FS sanction.

State minimum wage is \$6.25 per hour effective January 1, 2001. It increased to \$6.75 effective January 1, 2002.

(All-County Information Notice (ACIN) No. I-37-01, May 21, 2001, Enclosure 2; ACIN No. I-114-01, December 31, 2001)

301-1

Each household member who is not exempt under §63-407.2 shall be registered for employment at the time of application and once every 12 months after initial registration as a condition of eligibility for FS benefits, unless the household is entitled to expedited service. If the household is entitled to expedited service, household members subject to work registration shall be registered as per §63-301.5. (§63-407.1)

301-2

Persons registered to work in the General Assistance Work Program, the non-WIN Public Assistance (PA) Program or the Refugee Resettlement Program shall be considered as registered for work under the FS Program. (§63-407.23)

301-3

Upon reaching a determination that an applicant or other member of an FS household is required to be registered for work, the county shall provide an explanation and written

SHD Paraphrased Regulations - Food Stamps
300 Work Registration

statement of the work registrant's requirements, rights, responsibilities, and the consequences of failure to comply. (§63-407.31)

301-4

FS household members are considered to be registered when the registration is annotated by the county on an existing record designated by the California Department of Social Services. (§63-407.32)

302-1

The following persons are exempt from the FS work registration requirement:

- (a) A person younger than 16 years of age, a person 60 years of age or older, or a person 16 or 17 who is not the head of the household or attending or enrolled in an employment training program on at least a half-time basis.
- (b) A person physically or mentally unfit for employment. If the unfitness is not evident to the county, verification shall be required. Appropriate verification may consist of receipt of permanent disability benefits issued by governmental or private sources, or of a statement from a physician or licensed or certified psychologist (or from a nurse practitioner or physician's assistant, per All-County Information Notice (ACIN) No. I-76-00, or from a chiropractor per ACIN I-46-02).
- (c) A household member subject to and complying with any work requirement under Title IV of the Social Security Act including the Greater Avenues for Independence (GAIN) and CalWORKs Programs. [GAIN has not existed since January 1, 1998 having been replaced by the Welfare-to-Work program.]
- (d) A parent or other household member who is responsible for the care of a dependent child under six or an incapacitated person. If the child has his/her sixth birthday within a certification period, the exempt individual shall fulfill work registration requirements at the next recertification, unless otherwise exempt.
- (e) A person who is in receipt of unemployment compensation or who has applied for, but has not yet begun to receive unemployment compensation, if that person was required to register for work with EDD as a part of the unemployment compensation application process.
- (f) A regular participant in a drug addiction or alcoholic treatment and rehabilitation program.
- (g) A person who is employed or self-employed and working a minimum of 30 hours weekly or receiving weekly earnings at least equal to the federal minimum wage multiplied by 30 hours.
- (h) A student enrolled at least half time in any recognized school, training program, or institution of higher education, provided that students enrolled at least half time in a recognized institution of higher education have met the eligibility conditions in §63-406.2.

(§63-407.21; ACIN I-76-00)

SHD Paraphrased Regulations - Food Stamps
300 Work Registration

302-1A

Enrollment in correspondence courses does not establish student status for purposes of exemption from FS work registration, because those courses do not require class attendance and thus, allow the participant to seek employment. (All-County Letter (ACL) No. 95-18, April 24, 1995, interpreting §63-407.21(h))

302-1B REVISED 10/04

An individual who is denied Unemployment Insurance (UI) benefits, and appeals the denial, does not qualify for the FS work registration exemption set forth in §63-407.21(e). (All-County Information Notice (ACIN) No. I-76-00, July 26, 2000; ACIN I-79-03, November 13, 2003, Questions 15)

However, an individual who has a UI overpayment which is being recovered through UI adjustment, resulting in no UI payment to the individual, does qualify for the exemption. (ACIN No. I-76-00, Question 16) If the hearing subsequently rules in favor of the individual, he would become exempt, in accordance with §63-407.21(e) the first month he begins to receive UIB. (ACIN I-79-03, Question 15)

302-1C

In order to qualify for the FS work registration exemption contained in §63-407.21(d), relating to care of an incapacitated person, the individual claiming the exemption is not considered responsible for the care of the "incapacitated person unless the care precludes employment of at least 30 hours per week. The county may request a doctor's statement verifying the incapacity and identifying the number of hours for which care is needed. This answer is consistent with the drug/alcohol treatment program exemption at MPP Section 63-407.21(f) (see ACL 98-21, Question 23)." (All-County Information Notice No. I-76-00, Question 18)

302-1D

It is the CDSS policy that only one parent in a two-parent household can qualify for the FS exemption based on care for a child under six (set forth in §63-407.21(d)), no matter how many children are in the FS household. The parents designate which of them is responsible for care of the child(ren) under age six, and that designated parent is exempt from work requirements and sanctions, while the other parent is subject to them. (All-County Information Notice No. I-46-02, June 28, 2002, Question 3)

302-1E

It is the CDSS policy that an individual qualifies as physically or mentally unfit for employment, under §63-407.21(b), if appropriate medical verification is provided that the unfitness "... is expected to last at least 30 days and significantly impairs the recipient's ability to be regularly employed or participate in employment and training activities. To qualify for this exemption, the individual must be actively seeking appropriate medical treatment. When these criteria are met for all or part of any month, the client shall be considered exempt for that month. For example, if an individual becomes physically unfit in the middle of November and the unfitness continues into December, he would be exempt for November and December. This definition is consistent with the CalWORKs criteria for the Welfare-to-Work disability exemption at MPP Section 42-712.44."

(All-County Information Notice No. I-46-02, June 28, 2002, Question 4)

SHD Paraphrased Regulations - Food Stamps
300 Work Registration

303-1

The county shall screen work registrants to determine whether or not they will participate or be deferred from the FS Employment and Training (FSET) Program. Persons who are registered for work under §63-407.1 and who are not deferred under §63-407.811 are considered mandatory participants. (§63-407.81)

303-2 REVISED 4/04

The following individuals shall be deferred from mandatory participation until the county determines that the situation precluding FSET participation no longer exists:

- (a) A person who resides in a federally approved geographically excluded area.
- (b) A person who participates in a program described in §63-407.23 that has participation requirements exceeding those contained in the FSET Program.
- (c) A person who is unable to participate due to personal circumstances. This shall include, but not be limited to, persons who:
 - (1) Lack dependent care (as defined in §63-408.41(j). This includes situations in which dependent care costs exceed the maximum allowable dependent care deduction per month per dependent).
 - (2) Lack transportation which is defined as private or public transportation that is not available at reasonable times on a regular basis; or monthly transportation costs plus other costs excluding dependent care costs that exceed amounts determined in §63-407.831.
 - (3) Live an unreasonable distance from the FSET Program site.
 - (4) Have a severe family crisis.
 - (5) Are temporarily laid off from a job and expected to return to work within 60 days.
 - (6) Are involved in legal difficulties (such as court mandated appearances) which preclude participation.
 - (7) Have a temporary illness or disability.

(§63-407.811 revised effective August 8, 2003)

303-2A

Pregnant women are not necessarily exempt from work registration simply because of their pregnancy. They are deferred from participation in FSET because they are temporarily ill or disabled. (All-County Letter (ACL) No. 95-18, April 24, 1995, interpreting §63-407.811(c)(7))

SHD Paraphrased Regulations - Food Stamps

300 Work Registration

303-2B

A person is deferred from FSET if he/she lives an unreasonable distance from the FSET Program site. It is the CDSS position that the deferral is established if either: (1) Daily commuting time exceeds two hours per day, not including the transporting of a child to and from a child care facility; or (2) the distance to the FSET site prohibits walking, and neither public nor private transportation is available to bring or take the person to or from the site. (All-County Information Notice No. I-04-02, January 11, 2002, Answer 3, referencing §63-407.811(c)(3))

303-3

FS applicants shall be informed that they may be deferred from FSET Program participation if monthly expenses exceed allowable reimbursable amounts, as set forth in §63-407.83. (§63-407.311(a))

304-1A

When an individual is sanctioned for noncompliance with a work requirement, and that individual is work registered, as specified in §§63-407.21(c) or (e), or in a substitute program as specified in §63-407.23, the individual shall be sanctioned for FS in accord with §63-407.5. (§63-407.54)

When an individual is sanctioned, as described above, and regains eligibility by complying with the program requirement previously violated, the individual is again exempt from work registration. The FS sanction period set forth in §§63-407.531 through .533 shall end and the individual shall be approved for FS benefits as otherwise eligible. (§63-407.543, effective February 1, 2000)

305-2 REVISED 8/04

Within 10 days of determining that the noncompliance with FS work registration requirements set forth in §63-407.41 was without good cause (as set forth in §63-407.51), the county shall issue a notice of adverse action informing the household of the disqualification being imposed on the noncompliant individual. The Notice of Action shall meet the requirements of §63-504.21 and additionally shall contain a description of the act of noncompliance, identify the minimum length of the disqualification and shall specify that if, at any time, the individual becomes exempt in accord with §63-407.21, the disqualification shall end and the individual may reapply for food stamps. Information shall also be included on or with the notice describing the action which can be taken to avoid the ineligibility before the disqualification period begins and that the individual may apply for food stamps at the end of the disqualification period. (§63-407.52, as revised effective August 8, 2003)

305-3

Any employment shall be considered unsuitable if:

- (a) The wage offered is less than the highest of the applicable Federal or State wage, or 80% of the federal minimum wage if there is no minimum wage requirement.
- (b) The job offered is on a piece rate basis and the pay is less than set forth in (a).

SHD Paraphrased Regulations - Food Stamps
300 Work Registration

- (c) The household member, as a condition of employment or continuing employment, is required to join, resign from, or refrain from joining any legitimate labor organization.
- (d) The work offered is at a site subject to a strike or lockout at the time of the offer.
- (e) The degree of risk to health and safety is unreasonable.
- (f) The member is physically or mentally unfit to perform the employment, as documented by medical evidence or by reliable information from other sources.
- (g) The employment offered within the first 30 days of registration is not in the member's major field of experience.
- (h) The distance from the member's home to the place of employment is unreasonable considering the expected wage and the time and cost of commuting. Employment shall not be considered suitable if daily commuting time exceeds two hours per day, not including the transporting of a child to and from a child care facility. Nor shall employment be considered suitable if the distance to the place of employment prohibits walking and neither public nor private transportation is available to transport the member to the job site.
- (i) The working hours or nature of the employment interferes with the member's religious observances, convictions, or beliefs.

(§63-407.7)

305-4

The county is responsible for determining "good cause" in those cases where a work registrant has failed to comply with the work requirements of §63-407.4.

Good cause shall include circumstances beyond the registrant's control, such as (but not limited to) illness; illness of another household member requiring the presence of the registrant; a household emergency; lack of adequate child care for those children between six and 12 years old (see §63-408.41(j)); the unavailability of transportation; or problems caused by the registrant's inability to speak, read, or write English. (§63-407.51)

306-1A REVISED 8/04

For purposes of determining the appropriate disqualification to apply, count any previous sanctions and/or disqualifications imposed on the registrant for failing to comply with the requirements of §§63-407.4 and .54, and 63-408. If the registrant qualifies for one of the exemptions in §63-407.21, during the minimum disqualification period in §§63-407.531 to .533, the disqualification shall end and the individual may reapply for food stamps if otherwise eligible. The start date of the disqualification period shall begin the first of the month following the month the individual is provided timely notice of action. (§63-407.53, revised January 16, 2004)

The minimum duration of the first disqualification is one month. (§63-407.531)

SHD Paraphrased Regulations - Food Stamps
300 Work Registration

The minimum duration of the second disqualification is three months. (§63-407.532)

The minimum duration of the third or subsequent disqualification is six months (§63-407.533)

306-3A REVISED 4/04

Prior to August 8, 2003, state regulations provided as follows:

If the individual or household is otherwise eligible following completion of the minimum sanction period, eligibility may be reestablished if the individual:

.612 Complies as follows:

- (a) If the individual was disqualified for refusal to respond to a request for supplemental information regarding employment status or availability for work, the individual shall comply with the request.
- (b) If the individual was disqualified for refusal to report to an employer, the individual shall report to this employer if work is still available or to another employer to whom referred.
- (c) If the individual was disqualified for refusal to accept a bona fide offer of suitable employment, the individual shall accept this employment, if still available to the participant; accept any other employment which yields earnings per week equivalent to the refused job; or accept any other employment of at least 30 hours per week, with weekly earnings equal to the federal minimum wage multiplied by 30 hours.
- (d) If the individual refused to comply with an employment and training assignment, the individual shall comply with the assignment or another assignment.
- (e) If the individual was disqualified for reducing hours worked in accordance with §63-407.55, the individual shall increase hours worked to at least 30 hours per week.

(§63-407.612 repealed effective August 8, 2003)

306-6A

Ineligible aliens, who would otherwise be the principal work registrants for the household, cannot be sanctioned for failing to comply with the requirements of the FS program. Therefore, voluntary quit requirements do not apply to the household from which the alien is excluded. (All-County Letter (ACL) No. 95-18, April 24, 1995, clarifying §63-408.3)

306-8

Federal law provides that if a household member refuses to (1) register for employment; (2) participate in an employment or training program; or (3) accept an offer of employment: the entire household shall be disqualified if the household member

SHD Paraphrased Regulations - Food Stamps
300 Work Registration

involved was the head of the household. Otherwise, only the household member involved is disqualified. (7 United States Code (USC) §2015(d))

306-9

Under state regulations, an individual shall not be disqualified because of noncompliance with FS work requirements if, prior to the effective date of the sanction specified in §63-407.53, that individual becomes exempt in accord with §§63-407.21(a), (b), (d), (f), (g), or (h). Prior to September 1, 1997, state regulations provided that: "An individual who is actually sanctioned in accordance with §63-407.54 and subsequently qualifies for any of the exemptions listed in this section may reestablish eligibility following completion of the minimum sanction period identified in §63-407.531, .532, or .533." Effective September 1, 1997, the regulation was revised to provide: "When, for reasons including exemption, a sanction is not imposed, it will not be counted as an instance of noncompliance." (§63-407.542)

306-9A

Federal law, federal regulations, and the interpretation of these federal provisions by the FS Program, Western Region, is that when an individual under a sanction for failure to comply with FS Program work requirements becomes exempt during the disqualification period, that individual may resume FS participation if otherwise eligible.

The FCS relied on 7 Code of Federal Regulations (CFR) §273.7(h) and Paragraph 6(d)(2) of the FS Act for this policy, which policy is inconsistent with §63-407.542.

(FS-2-GEN Administrative Notice 97-65; 7 CFR 273.7(h))

306-9B ADDED 12/04

Consistent with §63-407.53, an instance of noncompliance with food stamp work requirements is not counted due to the individual's exemption status and a food stamp disqualification cannot subsequently be imposed when the exemption stops.

Thus when an individual receives a six-month third instance WTW sanction, but not a food stamp sanction because the individual provides care for a child under age six, the individual remains eligible for food stamps after the child turns six during the WTW sanction period. This answer supersedes ACIN I-76-00, question 27. (ACIN I-71-04, October 12, 2004, question and answer 7)

306-9C ADDED 12/04

An overissuance is not established for food stamps received between the date the individual failed to comply with workfare and the date a sanction is imposed. Thus if a county does not impose a sanction until August 1 for failure of an individual to perform workfare in May, there is no sanction in June or July. (ACIN I-71-04, October 12, 2004, question and answer 10)

307-1

Counties shall be allowed to provide any one or more of the following FSET Program Components:

- a) Job Club/Job Search Component which can include the following:

SHD Paraphrased Regulations - Food Stamps
300 Work Registration

- (1) Job search workshops.
 - (2) Supervised job search.
 - (3) Unsupervised job search.
- (b) Work Component, which can include the following:
- (1) Workfare.
 - (2) On the job training/work experience.
- (c) Education/Training Component:
- (1) Vocational training which consists of a project, program or experiment.
 - (2) Educational programs designed to improve a participant's basic skills or employability.

(§63-407.841)

307-2

Upon entry into each component, the FS work registrant shall be told of the component requirements, what will constitute noncompliance, and the sanctions for noncompliance.
(§63-407.821)

307-3

The participation requirements of the FSET Program are as follows:

- .851 The number of months and number of successive components in which participation is required shall be determined by the county as long as the minimum and maximum participation requirements of the FSET Program are met. Participation requirements could vary among participants.
- .852 Participation requirements shall not be imposed if they would delay the determination of eligibility for or issuance of benefits to any household otherwise eligible.
- .853 The minimum level of effort by participants shall be comparable to spending at least 12 hours a month for two months making job contacts.
- .854 For a job search component, the participation requirement shall be permitted to begin at application for an initial period of up to eight consecutive weeks, and continue for an additional period of up to eight weeks during 12 consecutive months.
- .855 Participation requirements in a work component imposed collectively on members of a household each month shall be limited to the number of hours equal to the household's allotment for that month divided by the higher of the applicable state or federal minimum wage.

SHD Paraphrased Regulations - Food Stamps
300 Work Registration

.856 The maximum hours of participation imposed on each individual shall not exceed 120 hours per month.

.857 The hours of participation or work of a volunteer shall not exceed the hours of FSET Program mandatory participants.

(§63-407.85)

307-3A

State regulations define minimum and maximum participation requirements for persons assigned to FSET. FSET components include work components that consist of workfare, work experience, and on-the-job training (OJT). For each month an FS household member is assigned to an FSET work component, the hours of participation are determined by dividing the household's monthly FS allotment by the higher of the state or federal minimum wage. When more than one member of the same household participates in a work component, the total number of required hours for all participants is determined by the minimum wage calculation.

Since the state minimum wage (\$6.75 per hour effective January 1, 2002) is higher than the federal minimum wage (\$5.15 per hour), it should be used when calculating hours of participation in an FSET work component. The higher state minimum wage will reduce the hours of participation required for food stamp applicants and recipients, including ABAWDs who are assigned to FSET workfare, work experience or OJT.

(All-County Information Notice (ACIN) No. I-13-02, February 20, 2002, referencing ACIN I-34-99, question 4; §63-407.85)

307-4 REVISED 8/04

The county shall reimburse participants, including volunteers and applicants, for actual costs of transportation or other costs (except for dependent care costs) that are reasonably necessary and directly related to participation as specified in §§63-407.831 and .832. (§63-407.83)

These payments shall be provided as either a reimbursement for expenses incurred or in advance payment for anticipated expenses. The county shall determine the level of reimbursement or advance and shall be defined in the county FSET plan and approved by CDSS. The county shall maintain written policy and procedure for reimbursement of transportation and ancillary expenses. The written policy and procedures shall be made available to FSET participants. (§63-407.831)

Reasonable and necessary costs applicable to transportation means:

The least costly form of public transportation that would not preclude FSET activity.

If no public transportation is available, participants may use their own vehicles. Participants will be reimbursed at an existing county rate, or the county shall develop a rate that covers necessary costs. The reimbursement rate may not include a "cap" or maximum monthly reimbursement rate.

SHD Paraphrased Regulations - Food Stamps
300 Work Registration

Parking must be reimbursed at actual cost.

FSET participants who choose their own vehicles when public transportation is available will be reimbursed at the least expensive reimbursement rate of available transportation.

(§63-407.831(b))

The county shall reimburse the actual cost for dependent care costs, not to exceed the maximum dependent care deduction per month per dependent. The dependent care costs must be verified, and are not reimbursable if the care is provided by a member of the FS household. (Subsection .832)

307-4A ADDED 10/04

Per §63-407.83, the county shall reimburse participants for costs that are reasonably necessary and directly related to FSET participation. Travel costs to pick up an FSET allowance, such as a bus pass, is a reimbursable cost if the county requires the county to pick up the pass in person. The cost of transportation to deliver the workfare verification form is also reimburseable if the county required the individual to deliver the form. (All County Information Notice I-79-03, November 13, 2003)

307-5

In addition to the FSET Program, operated in accordance with §63-407.8, counties shall be permitted to operate the FS Workfare Program in accordance with the requirements of 7 Code of Federal Regulations §273.22. (§63-407.91)

307-6

FSET participants who refuse or fail without good cause to comply with any of that program's requirements are subject to the provisions of §63-407.5 (§63-407.861)

307-7

The CDSS has issued tables to clarify the participation requirements for Able-Bodies Adults Without Dependents (ABAWDs) and non-ABAWDs in FSET and non-FSET counties. The tables do not supersede any regulations governing FSET participation requirements. However, there are two changes to current policies that are discussed below in which state regulations will be amended to reflect the revised federal policies.

First, in light of the Food and Nutrition Service's (FNS) Administrative Notice 97-40 and their recent clarification, the participation requirements for self-initiated workfare have been changed. Hours of participation in self-initiated workfare will now be determined by dividing the household's FS allotment by the higher of the federal or state minimum wage. Previously, counties were instructed to require participation of 20 hours per month and were told that additional hours could be required at county option. The new policy of using the minimum wage calculation supersedes the instructions contained in All County Letter (ACL) No. 98-07, Enclosure I and All County Information Notice No. I-76-00, question 11.

Second, revised federal ABAWD regulations at 7 Code of Federal Regulations (CFR) §273.24 (a)(3)(iii) provide that training programs which satisfy the ABAWD work requirement, including FSET vocational education and training components, may include participation in job search or job club. However, the number of hours spent in job

SHD Paraphrased Regulations - Food Stamps
300 Work Registration

search/job club must be combined with another training activity (i.e., it cannot be a stand-alone activity), and it must be less than half of the total hours required for the training activity. For example, a vocational training component of 15 hours per week may include a maximum of seven hours per week in job search.

(All-County Information Notice No. I-37-01, May 21, 2001)

307-7A

The following tables set forth the participation requirements for FS participants in FSET counties.

PARTICIPATION REQUIREMENTS IN FSET COUNTIES

Activities	ABAWDs	Non-ABAWDs	Authority
30-Day Job Search Prior to Workfare (FSET activity)	Satisfies the ABAWD work requirement. Hours are set by the county. Minimum of 12 hours per month; maximum of 120 hours per month when combined with education & training.	Hours are set by the county. Minimum of 12 hours per month; maximum of 120 hours per month when combined with education and training.	MPP 63-407.841(b)(1)(A), MPP 63-407.853
Workfare, OJT, Work Experience (FSET activity)	Satisfies the ABAWD work requirement. Hours are determined by dividing the household's FS allotment by the higher of the state or federal minimum wage.	Hours are determined by dividing the household's FS allotment by the higher of the state or federal minimum wage.	MPP 63-407.841(b), MPP 63-407.855, MPP 63-410.212
Self- Initiated Workfare (FSET activity)	Satisfies the ABAWD work requirement. Hours are determined by dividing the household's FS allotment by the higher of the state or federal minimum wage.	Hours are determined by dividing the household's FS allotment by the higher of the state or federal minimum wage.	ACL 98-07, Encl. 1; ACIN I-76-00, question 11; FNS Admin Notice 97-40
Vocational Training and Education (FSET activity)	FSET hours can range from 12 to 120 per month, as	FSET hours can range from 12 to 120 per month, as	MPP 63-407.853; MPP 63-407.856; MPP 63-410.213

SHD Paraphrased Regulations - Food Stamps
300 Work Registration

	set by the county. Satisfies the ABAWD work requirement of 20 hours per week, averaged monthly; hours may be less when combined with other ABAWD activities except Workfare. May include hours in Job Search/ Job Club (not a stand- alone activity) when they are less than half of the total hours for training or education.	set by the county.	c); 7 CFR Section 273.24 (a)(3)(iii)
Job Search/ Job Club (FSET activity)	Cannot be used to meet the ABAWD work requirement as a stand- alone component. Can be used to meet FSET participation requirements. See Non- ABAWDs box for description of FSET participation requirements.	Applicants can be assigned up to 8 consecutive weeks; recipients can be assigned up to 8 more weeks during 12 consecutive months. Minimum of 12 hours per month. Maximum of 120 hours per month when combined with employment and/ or training activities.	MPP 63- 407.853; MPP 63- 407.856
Drug/ Alcohol Rehabilitation (FSET activity) Cannot be a stand- alone activity, but is offered in combination with another FSET activity.	Hours must comprise less than 25% of the combined FSET activities. When offered as part of a vocational training or education activity, hours of participation in a drug/ alcohol rehabilitation activity count toward completion of the ABAWD work requirement.	Hours must comprise less than 25% of the combined FSET activities.	ACL 00- 41, Page 2

SHD Paraphrased Regulations - Food Stamps
300 Work Registration

Employment (Non-FSET activity)	Hours of work count towards the ABAWD work requirement of 20 hours per week, averaged monthly; can be less when combined with other ABAWD activities, except Workfare. See Non-ABAWDs column for impact of work on FSET.	Though not an actual FSET component, hours of work count toward the number of hours required for FSET participation.	MPP 63- 410.211; ACL 98- 21, question 9
Workforce Investment Act Activities (Non-FSET activity)	Satisfies the ABAWD work requirement of 20 hours per week, averaged monthly. Hours can be less than 20 when combined with other ABAWD activities.	N/A	MPP 63- 410.213 (a); ACL 98- 21, question 9
Refugee Employment and Training (Non-FSET activity)	Satisfies the ABAWD work requirement of 20 hours per week, averaged monthly. Hours can be less than 20 when combined with other ABAWD activities.	N/A	MPP 63- 410.213(c); ACL 98- 21, question 9
Comparable Workfare, e. g., GA Workfare (Non-FSET activity)	Hours are set by the county. Satisfies the ABAWD work requirement.	N/A	MPP 63- 410.212

Work Registration Exemptions: State minimum wage is \$6.25 per hour effective January 1, 2001. It is \$6.75 as of January 1, 2002.

- > Younger than 16 years of age or 60 years of age or older.
- > 16 or 17 year old who is not head of household, or who is attending school or enrolled in an employment training program at least half time.
- > Physically or mentally unfit for employment.
- > Complying with CalWORKs Welfare- To- Work requirements.
- > Caring for a dependent child under age 6 or an incapacitated person.

SHD Paraphrased Regulations - Food Stamps
300 Work Registration

- > Receiving or has applied for unemployment insurance benefits.
- > Participating in a drug or alcohol treatment program that prohibits employment of 30 hours or more per week.
- > Employed or self- employed at least 30 hours per week or receiving weekly earnings at least equal to the federal minimum wage multiplied by 30 hours.
- > Half- time school attendance.

ABAWD Exemptions:

- > Under 18 or 50 years of age or older.
- > Pregnancy.
- > Residing in an FS household that contains a dependent child.
- > Meets the work registration exemptions (see above).
- > Exempt under the 15% ABAWD exemption criteria.

ABAWD Work Rule: For an NAFS recipient over age 17 and under age 50, eligibility for food stamps is limited to any three months in a 36- month period during which the individual does not satisfy the ABAWD work requirement. The ABAWD work requirement is met by working or participating at least 20 hours per week in an allowable work activity, or by participating in workfare for the number of hours equal to the household's FS allotment divided by the higher of the federal or state minimum wage. The three-month eligibility limitation does not apply to individuals who meet one of the ABAWD or Work Registration exemption criteria shown above (MPP §§63- 407. 21 and 63- 410.3).

Clarification of Participation Requirements: FSET participants may be assigned to more than one component at the same time. The total hours of FSET participation, including hours of employment, cannot exceed 120 hours per month.

Food Stamp Sanctions: A voluntary quit or noncompliance with Refugee Employment and Training, Comparable Workfare or FSET activities (other than Self- Initiated Workfare) shall result in a minimum one, three, or six- month FS sanction, unless the individual qualifies for an FS work registration exemption. ABAWD exemptions, other than work registration exemptions, will not end an FS sanction.

(All-County Information Notice No. I-37-01, May 21, 2001, Enclosure 1)

308-1A REVISED 8/04

An individual is ineligible to participate in the food stamp program if the individual either voluntarily quits a job as described in §63-408.11 or reduces the number of hours worked as described in §63-408.12.

Voluntary quit means resigning a job that is 30 or more hours per week or provides weekly earnings at least equal to the federal minimum wage times 30 hours. If the

SHD Paraphrased Regulations - Food Stamps
300 Work Registration

voluntary quit occurs within 60 days prior to the date of application for food stamps without good cause, the application shall be denied for one, three or six months as specified in §63-407.53.

A reduction in work effort means voluntarily decreasing the number of hours worked in paid employment to less than 30 hours per week. If the reduction in work hours occurs within 60 days prior to the date of application for food stamps without good cause, the application shall be denied for one, three or six months as specified in §63-407.53.

If the individual reduces hours while working less than 30 hours per week, there shall be no food stamp disqualification. The minimum wage equivalent does not apply when determining a reduction of work effort.

§§63-408.1, .11 and .12 effective August 8, 2003)

308-3

In FS, good cause for leaving employment shall include:

- (a) Circumstances beyond the registrant's control, such as, but not limited to, illness, illness of another household registrant requiring the presence of the registrant, a household emergency, the unavailability of transportation, or problems caused by the inability of the registrant to speak or write English.
- (b) Resigning from a job that does not meet the suitability criteria specified in §63-407.7.
- (c) Discrimination by an employer based on age, race, sex, color, handicap, religious beliefs, national origin or political beliefs.
- (d) Work demands or conditions that render continued employment unreasonable, such as working without being paid on schedule.
- (e) Acceptance by the work registrant (formerly, principal work registrant) of employment, or enrollment of at least half time in any recognized school, training program or institution of higher education preparatory to seeking better jobs or employment that requires the principal work registrant to leave employment.
- (f) Acceptance by any other household member of employment or enrollment at least half time in any recognized school, training program or institution of higher education preparatory to seeking better jobs or employment in another county or state which requires the household to move and thereby requires the work registrant (formerly, principal work registrant) to leave employment.
- (g) Resignations by persons under the age of 60 which are recognized by the employer as retirement.
- (h) Acceptance of a bona fide offer of employment of more than 20 hours a week or in which the weekly earnings are equivalent to the federal minimum wage multiplied by 20 hours, which because of circumstances beyond the control of the work registrant (formerly, principal work registrant), subsequently either does not

SHD Paraphrased Regulations - Food Stamps
300 Work Registration

materialize or results in employment of less than 20 hours a week or weekly earnings of less than the federal minimum wage multiplied by 20 hours.

- (i) Leaving a job in connection with patterns of employment in which workers frequently move from one employer to another such as migrant farm labor or construction work.
- (j) Situations where there is a lack of adequate child care arrangements (as defined in Title 22, California Code of Regulations) available for the registrant's children who have reached age six but are under twelve years of age.

(§63-408.41, modified effective November 12, 1996)

308-4

The following persons are exempt from FOOD STAMPS voluntary quit provisions:

- .31 Persons exempt from the work registration provisions as stated in §63-407.21, except those exempt because of the 30-hour work week.
- .32 Strikers, as defined in §63-402.9, except for an employee of the Federal, State or local government dismissed because of his/her participation in a strike against the government.

(§63-408.3)

308-5A

Ineligible aliens, who would otherwise be the principal work registrants for the household, cannot be sanctioned for failing to comply with the requirements of the FS program. Therefore, voluntary quit requirements do not apply to the household from which the alien is excluded. (All-County Letter (ACL) No. 95-18, April 24, 1995, clarifying §63-408.3)

308-6A ADDED 4/04

When a household applies for food stamps, the county shall determine if any unemployed household member who is not exempt from work registration on accord with §63-407.3, has voluntarily quit a job or reduced work effort without good cause as specified in §§63-408.11, 12 and .121.

If the county determines that the household member has voluntarily quit a job or reduced work hours without good cause, the individual's application shall be denied for one, three or six months in accordance with §§63-407.531, .532 or .533. The first month of disqualification is the month in which the individual is determined ineligible. (§63-408.21 effective August 8, 2003)

308-6B ADDED 4/04

When the county learns that a recipient household has lost a source of income or experienced a reduction of income, the county shall determine whether an individual who is a work registrant has voluntarily quit a job or reduced work effort below 30 hours per week. The county shall determine if there was good cause for the voluntary quit or reduced work hours.

SHD Paraphrased Regulations - Food Stamps
300 Work Registration

If the county determines that an individual voluntarily quit a job or reduced work effort without good cause, the county shall issue a notice of action informing the household of the applicable disqualification on the non-compliant work registrant.

In addition to the notice requirements set out in §63-504.21, the notice shall:

Explain the reason for the proposed disqualification;

Specify that the disqualification shall begin the first of the month after timely notice is issued and shall continue for the period identified in §63-407.53;

Provide that the individual may reapply for food stamps after the disqualification period;

Explain the actions that may be taken to avoid or end the disqualification period; and

Inform the household member of the right to a state hearing, including the right to continued benefits pending a state hearing if the hearing request is filed timely. If the county determination is upheld, the disqualification period shall begin the first of the month after the hearing decision is rendered.

(§63-408.22)

308-6C REVISED 8/04

Individuals who qualify for a work exemption in §63-407.21, shall be excused from the voluntary quit or work reduction disqualification provision and may regain food stamp eligibility by reapplying if otherwise eligible. (§63-408.3)

308-9C REVISED 10/04

Voluntary quit requirements at §63-408 do not apply to an individual who is fired because of misconduct or late appearances. An exception to this policy applies if the county can demonstrate that the individual deliberately got fired in order to increase the food stamp allotment. In that case, a sanction may be imposed. (All-County Information Notice No. I-46-02 Errata, December 9, 2002, Question 8)