



CDSS

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EDMUND G. BROWN JR.
GOVERNOR

December 30, 2016

ALL COUNTY LETTER NO. 16-119

TO: ALL COUNTY WELFARE DIRECTORS
ALL CALWORKS PROGRAM SPECIALISTS
ALL COUNTY CALFRESH PROGRAM SPECIALISTS
ALL COUNTY REFUGEE COORDINATORS
ALL CONSORTIUM PROJECT MANAGERS

SUBJECT: CALIFORNIA WORK OPPORTUNITY AND RESPONSIBILITY TO
KIDS (CalWORKs): IMPLEMENTATION OF SENATE BILL
(SB) 947 (CHAPTER 798, STATUTES OF 2016)

REFERENCES: SENATE BILL (SB) [947](#) (CHAPTER 798, STATUTES OF 2016)
WELFARE AND INSTITUTION CODE (WIC) SECTION [11052.5](#),
MANUAL OF POLICIES AND PROCEDURES, (MPP) SECTIONS
[40-105](#), [40-107](#), [40-107.2](#), [40-129.4](#), [40-131.1](#), [40-131.2](#), [43-106](#),
AND [43-201](#)

The purpose of this letter is to provide direction to County Welfare Departments (CWDs) regarding the implementation of SB 947, Chapter 798, signed by the Governor on September 29, 2016, which provides CWDs the option to elect to conduct the personal interviews in the CalWORKs program telephonically or by other electronic means. In this letter, electronic and telephonic will have the same meaning. This policy change is effective January 1, 2017.

A county who chooses the electronic interview option may continue to conduct face-to-face interviews on a case-by-case basis, if the CWD feels it is best practice or for working with and assisting families in receiving assistance quickly. For example: connecting with Local Child Support Agencies, Immediate Need, immediate participation in Welfare to Work (WTW) activities or supportive services such as child care or transportation etc. However if the CWD chooses the electronic interview option but an applicant requests a face-to-face interview, the interview must be conducted face-to-face.

REASON FOR THIS TRANSMITTAL

- State Law Change
- Federal Law or Regulation Change
- Court Order
- Clarification Requested by One or More Counties
- Initiated by CDSS

CWDs electing to conduct the interview electronically must have a set of procedures in their county plan for conducting these interviews to ensure clients are provided with the same information provided to the individuals who have in person interviews.

When interviewing the applicant, if it appears to the worker that the applicant is unable to answer the questions clearly or understand the information provided by the worker or the worker otherwise feels that the applicant is incapable of acting on his or her own behalf, the CWD will verify this by personal contact with the applicant before aid can be granted.

Electronic interviews under the SB 947 option shall occur within seven working days after the time of the application unless there are extenuating circumstances, which justify further delays, unless the applicant has been determined to meet the immediate need interview requirements on the application. If the applicant meets the immediate need interview requirements, the CWD must conduct the interview no later than the next working day from the request as set forth in Manual of Policies and Procedures (MPP) section 40-129.4. However, whenever possible the interview should occur the same day of the request.

EXISTING RULE

Current law requires a CalWORKs applicant to be personally interviewed by the CWD or state hospital staff before being determined eligible for aid. It also requires the CWDs to verify if an applicant is incapable of acting on his or her own behalf and have personal contact with the applicant before aid is granted. The current regulation requires the interview to be conducted face-to-face. MPP Section 40-131.1 through 40-131.12, states if an applicant chooses to apply for both CalWORKs and CalFresh the CWD must conduct a single interview for both programs.

CWDs have the option to conduct this interview in the applicant's home for those who have a physical or mental impairment that would make it difficult or impossible for the applicant to come into the office.

NEW RULE

Effective January 1, 2017, the CWDs have the option to elect to conduct the personal interview electronically. An applicant may choose to have their eligibility interview in-person and if so, the CWD must interview the applicant face-to-face as requested. Additionally, if an applicant is incapable of acting on his or her own behalf, the CWD shall verify this information by a personal contact with the applicant before aid is granted. The interview shall occur within seven working days after the time of the application unless there are extenuating circumstances which would delay this process. As stated above, the immediate need request timeframes in

MPP Section 40-129.4 apply when the applicant meets the immediate need interview requirements.

RIGHTS AND RESPONSIBILITIES (R&Rs)

In regards to the application process MPP Section 40.107.2 states:

The CWD is responsible for assisting applicants or recipients in understanding their R&Rs in relation to the application for aid; for evaluating the capacity of the applicant or recipient to discharge their responsibilities as set for in Section 40-105; for assisting them as needed in establishing their eligibility and helping them to realize the maximum personal independence of which they are capable, including self-care and self-maintenance.

The applicant shall be informed at the time of application that the law requires furnishing a Social Security Number (Section 40-105) and assignment of accrued support rights (Section 43-106) as conditions of eligibility. The applicant or recipient shall also be informed, in writing, at the time of application or redetermination, that the law requires cooperation in establishing paternity and securing support rights (Section 43-201) as conditions of eligibility.

SB 947 does not change the other conditions of eligibility that apply to CalWORKs such as the Statewide Fingerprint Imaging System requirement for adults. All other conditions of eligibility continue to apply.

When utilizing electronic signatures all current CDSS MPP requirements remain in effect. Normal business practices regarding the conveyance of the R&Rs shall be followed, including, when an electronic signature is used.

IMPLEMENTATION

CWD's can implement this new policy a variety of ways. The CDSS has provided some scenarios with options for CWDs. Regardless of the option CWDs choose, the CWD must include the information in their County Plan as well as how they intend to ensure clients are provided with the same information provided to the individuals who have their in-person interview. CWDs already conducting electronic interviews for CalFresh may use the same process used for those interviews.

ELECTRONIC SIGNATURE REQUIREMENTS

If an interview is conducted electronically, by phone or other electronic means, a signature must still be secured on application documents. The signature can be secured by mail or telephonically. Under the Affordable Care Act, the Centers for Medicare and Medicaid Services and the Department of Health Care Services (DHCS ACWDL 14-06) issued guidance regarding telephonic signatures for the Medi-Cal program. The guidance allowed if a CWD did not have the capability to record a telephonic signature, the CWD shall enter a case journal entry stating the individual attested to the information provided. This process does not meet the requirements of an electronic signature for the CalFresh Program and will not stand the test of a signed application in the event of a Quality Control case review. However, if the CWDs follow the options provided in Attachment 1 or use the existing CalFresh procedures, CWDs should not have Quality Control issues.

INTERACTIVE VOICE RESPONSE TECHNOLOGY AND UNIQUE IDENTIFIERS

CWDs may elect to establish use of Interactive Voice Response (IVR) technology. By using IVR and a unique identifier, CWDs add another layer of security and identity protection for the client. With unique identifiers, the applicant establishes a Personal Identification Number (PIN) which can be entered using the numbers on their telephone key pad during an electronic interview. When using the IVR, unlike the audio recording of a client's verbal assent for electronic signature, the record of the applicant's action to enter the PIN as a signature must be cataloged and maintained as retrievable proof of intent to apply. The use of a Unique Identifier is not intended to establish identity and existing rules remain in effect for verification of identity. Examples of a Unique Identifier as a PIN include:

- Last four digits of SSN
- Last four digits of case number
- PIN previously provided (auto generated by IVR)
- PIN provided over the phone by CWD
- Birthday of applicant

The IVR and PIN usage is just one option available and can be used in conjunction with other electronic options.

Interviewing Applicants

As a reminder, SB 947 is focused on the face-to-face interview portion of the CalWORKs application process. The CWD can now elect to interview applicants in two ways:

1. In-person Interviews
2. Electronic Interviews

Attached is a chart (Attachment 1) with scenarios and suggested ways that CWDs can conduct interviews under these options. CWDs may continue to use the best options for their county provided their county plan is updated to include the information as required under SB 947 and all regulations are followed for interviewing applicants and capturing signatures.

LANGUAGE REQUIREMENT FOR INTERVIEWS AND FORMS TRANSLATIONS

SB 947 does not change the CWDs responsibility to provide appropriate language services to applicants and recipients in their county. CWDs are still required to provide the applicant with an interview in their primary language by providing a bilingual worker or using a translator at no cost to the applicant and using forms, when made available by CDSS in the applicant's primary or requested language. The SAWS 1 and SAWS 2 Plus are available in 18 languages.

As a reminder, even if a form is not made available by CDSS in a requested language, a CWD may have the responsibility to provide a translated form in a requested language based on the population make-up in the CWDs regional customer base.

If you have any questions regarding this letter, please contact the CalWORKs Eligibility Bureau at (916) 654-1322.

Sincerely,

Original Document Signed By:

TODD R. BLAND
Deputy Director
Welfare to Work Division

Attachment
c: CWDA

SB 947 CalWORKs Applicant Telephonic/Electronic Interview Options

As a reminder, regardless of which option is chosen, CWDs, when processing the Multi-program SAWS 2 Plus application, must always evaluate for Immediate Need, Presumptive Medi-Cal or Expedited CalFresh when requested.

Scenario One A	Option 1 (Interactive Voice Response)	Option 2 (other Electronic Options or In-person)	Option 3 (Online Account Options)
<p>Applicant has submitted a completed, signed SAWS 1 or SAWS 2 Plus in person, by phone, fax or by mail. No immediate need has been requested.</p>	<p>Set up an appointment with the applicant using CWD procedure and following timeframes. Use an IVR and PIN system. Go over the SAWS 1 and/or SAWS 2 Plus to complete the interactive interview with the applicant. Capture the applicant's signature with an affirmative action in which the applicant enters their PIN on the phone keypad effectively attesting to each statement and signing the forms. Request Verifications using the CW 2200. SFIS still applies in all scenarios.</p>	<p>Set up an appointment with the applicant using CWD procedure and following timeframes. Conduct the interview electronically to obtain the needed SAWS 2 Plus information or have the applicant attest to the responses already given. Once the interview is completed and all information, including the R&R's have been explained and the applicant confirms they understand, send the completed SAWS 2 Plus ("statement of facts"), SAWS 2A SAR and other needed forms to the applicant for signature with a "sign and return by" date. Inform the applicant in the letter of the consequences for not returning them, i.e., case will be denied, discontinued. Request Verifications using the CW 2200. SFIS still applies in all scenarios.</p>	

Scenario One B	Option 1 (Interactive Voice Response)	Option 2 (other Electronic Options or In-person)	Option 3 (Online Account Options)
<p>Applicant has submitted a completed, signed SAWS 1 or SAWS 2 Plus online through the SAWS portal for the county of residence</p>	<p>Set up an appointment with the applicant using CWD procedure and following timeframes. Use an IVR and PIN system. Go over the SAWS 1 and/or SAWS 2 Plus to complete the interactive interview with the applicant. Capture the applicant’s signature with an affirmative action in which the applicant enters their PIN on the phone keypad effectively attesting to each statement and signing the forms. Request Verifications using the CW 2200.</p>	<p>Use the same process above in Scenario One A, option 2 (other electronic options).</p>	<p>Set up an appointment with the applicant using CWD procedure and following timeframes. Conduct the interview electronically to obtain the needed SAWS 2 Plus information or have the applicant attest to the responses already given. If the CWD has the capability, during the interview, have the applicant log in to their SAWS online account. Upload the completed forms and have the client electronically sign the forms and upload verifications through the secured account. The CWD is still responsible for ensuring the applicant receives all information and R&Rs as in the other options.</p>

Scenario One C (Immediate Need Request)	Option 1 (Interactive Voice Response)	Option 2 (other Electronic Options or In-person)	Option 3 (Online Account Options)
<p>The applicant has submitted the completed, signed SAWS 1 or SAWS 2 Plus by dropping it off in person, mailing it in, or by fax. The applicant has requested immediate need.</p>	<p>Using the applicant’s available contact information, contact the applicant to set up the interview using the immediate need timeframes set forth in regulation if the applicant is not in the office waiting and assess the applicant for immediate need. Use an IVR and PIN system. Go over the SAWS 1 and/or SAWS 2 Plus to complete the interactive interview with the applicant. Capture the applicant’s signature with an affirmative action in which the applicant enters their PIN on the phone keypad effectively attesting to each statement and signing the forms. Request Verifications using the CW 2200.</p>	<p>Using the applicant’s available contact information, contact the applicant to set up the interview using the immediate need timeframes set forth in regulation if the applicant is not in the office waiting and assess the applicant for immediate need. Conduct the interview electronically using the same process as in Scenario One A, Option 2 (other electronic options). The difference between these two options is the amount of time the CWD has to contact and interview the applicant.</p>	

Scenario One D (Immediate Need Request)	Option 1 (Interactive Voice Response)	Option 2 (other Electronic Options or In-person)	Option 3 (Online Account Options)
<p>The applicant has submitted the completed, signed SAWS 1 or SAWS 2 Plus online through the SAWS portal for the county of residence. The applicant has requested immediate need.</p>	<p>Using the applicant’s available contact information, contact the applicant to set up the interview using the immediate need timeframes set forth in regulation and assess the applicant for immediate need. Use an IVR and PIN system. Go over the SAWS 1 and/or SAWS 2 Plus to complete the interactive interview with the applicant. Capture the applicant’s signature with an affirmative action in which the applicant enters their PIN on the phone keypad effectively attesting to each statement and signing the forms. Request Verifications using the CW 2200.</p>	<p>Use the same process above in Scenario One C, Option 2 (other electronic options) but with expedited processing for immediate need if eligible.</p>	<p>Using the applicant’s available contact information, contact the applicant to set up the interview using the immediate need timeframes.. Conduct the interview electronically to obtain the needed SAWS 2 Plus information or have the applicant attest to the responses already given. If the CWD has the capability, during the interview, have the applicant log in to their SAWS online account. Upload the completed forms and have the client electronically sign the forms and upload verifications through the secured account.</p>

Scenario One E	Option 1 (Interactive Voice Response)	Option 2 (other Electronic Options or In-person)	Option 3 (Online Account Options)
<p>The applicant submits a completed but unsigned SAWS 1 or SAWS 2 Plus to the CWD by any method.</p>	<p>The CWD can refer to their business practice or if the applicant provided a phone number/ mailing address, the CWD can call the applicant to tell them the application is unsigned and considered incomplete or return the application by mail if there is no phone number.</p>	<p>The CWD can refer to their business practice or if the applicant is in person and available the intake worker or clerical staff can alert the applicant that a signature is needed. If the applicant is not available and provided a phone number/ mailing address, the CWD can call the applicant to tell them the application is unsigned and considered incomplete or return the application by mail if there is no phone number.</p>	<p>The application online will not submit as a completed application without a signature.</p>

Scenario Two A	Option 1 (Interactive Voice Response)	Option 2 (other Electronic Options or In-person)	Option 3 (Online Account Options)
<p>The applicant walks into the CWD requesting to apply for CalWORKs and has not submitted any form of application.</p>	<p>The CWD can offer the applicant the SAWS 1 and set up the appointment then follow the IVR option above. This can work whether or not the applicant applies for immediate need. The difference would be the timeframe for the appointment.</p>	<p>The CWD can offer the applicant the SAWS 1 and set up an appointment with the applicant for an electronic interview (if the applicant make a request immediate need see Scenario Two B). The CWD can also direct the applicant to apply online. After the applicant turns in the SAWS 1, the CWD will make the appointment for the interview the follow one of the options available in Scenario One A or choose to interview the applicant while they are in the office. Use the CW 2200 to provide the applicant with a list of any required verifications still needed. If the applicant opts to apply online, follow the scenario and available options.</p>	

Scenario Two B (Immediate Need Request)	Option 1 (Interactive Voice Response)	Option 2 (other Electronic Options or In-person)	Option 3 (Online Account Options)
<p>The applicant walks into the CWD requesting to apply for CalWORKs also requesting immediate need.</p>	<p>The CWD can offer the applicant the SAWS 1 and set up the appointment then follow the IVR option above. This can work whether or not the applicant applies for immediate need. The difference would be the timeframe for the appointment. For immediate need, the applicant will likely wish to remain in the office to try an interview the same day.</p>	<p>Have the applicant complete and sign the SAWS 1. If time permits, schedule an appointment for the same day otherwise set an appointment for the following day and ask the applicant if they prefer to have an electronic interview. If the interview will be the next day and the applicant prefers the electronic interview, use the process in option 2 above for Scenario One A, but with the expedited process for immediate need, if eligible. Use the CW 2200 to provide the applicant with a list of verifications needed to determine eligibility.</p>	

Interviewing Applicants and Recipients at Other Times Outside of the Initial Application Process

There may be other times when an interview is necessary to determine eligibility such as, when a recipient reports that an individual has moved into the home and requests the individual be added to the case. The electronic interviewing options are also available to CWDs when these instances occur.

Scenario Three A	Option 1 (Interactive Voice Response)	Option 2 (other Electronic Options or In-person)	Option 3 (Online Account Options)
<p>The recipient reports on their SAR 7 or other mid-period report/by other means that someone has moved into the home and requests that the person be added to the case (or the person is a mandatorily included person).</p>	<p>Depending on the CWD’s business practices, the CWD may choose a face-to-face or may choose to elect the electronic interview option for any required interviews under this scenario and use the IVR as shown in the scenarios listed under this option. If the person being added to the case is a parent of an aided child in the AU or an optional adult, the parent or adult being added must attend the interview and is subject to the SFIS as well as all other eligibility requirements.</p>	<p>Depending on the CWD’s business practices, as stated in option 1, the CWD may choose to conduct this interview face-to-face or by electronic means. If the person being added to the case is a parent of an aided child in the AU or an optional adult, the parent or adult being added must attend the interview and is subject to the SFIS as well as all other eligibility requirements. The parent or adult being added is also required to sign the appropriate application/statement of facts, rights and responsibilities and any other required forms as well as provide any needed verifications to determine eligibility.</p>	<p>This online account option is only available for the interview portion to add-a-person if a second parent or optional adult is not being added to the case. The second parent or adult would not be able to sign-up for an online profile until after they are an AU member. Otherwise, if a second parent or adult are not being added the CWD and caretaker relative may use this option if the CWD elects to do so.</p>