



CDSS

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GOVERNOR

April 15, 2016

ALL COUNTY LETTER (ACL) NO. 16-21

REASON FOR THIS TRANSMITTAL

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

TO: ALL COUNTY WELFARE DIRECTORS
 ALL CALWORKS PROGRAM SPECIALISTS
 ALL WELFARE-TO-WORK COORDINATORS
 ALL COUNTY REFUGEE COORDINATORS
 ALL COUNTY CALFRESH SPECIALISTS
 ALL CONSORTIA REPRESENTATIVES
 ALL TRIBAL TANF ADMINISTRATORS

SUBJECT: CALIFORNIA WORK OPPORTUNITY AND RESPONSIBILITY TO KIDS (CalWORKs) WELFARE TO WORK (WTW) PARTICIPATION REQUIREMENTS FOR PREGNANT WOMAN-ONLY ASSISTANCE UNITS (AUs)

REFERENCE: ASSEMBLY BILL (AB) 1579 (CHAPTER 632, STATUTES OF 2014); AB 1640 (CHAPTER 778, STATUTES OF 2012); WELFARE AND INSTITUTIONS (W&I) CODE SECTION 11322.8; UNITED STATES (US) CODE TITLE 42 SECTION 607(c)(2)(B); MANUAL OF POLICIES AND PROCEDURES (MPP) SECTIONS 42-708.22, 42-708.3, 42-708.311, 42-708.325, 42-711.411(b), 42-711.55, 42-712, 42-712.48, 42-712.5, 42-713, 42-721, 42-721.43; AND 82-832.1(c); ALL COUNTY LETTERS (ACLs) 14-04, 15-08 AND 15-38; ALL COUNTY INFORMATION NOTICE (ACIN) I-38-15.

This letter specifies the WTW hourly participation requirements for CalWORKs AUs consisting solely of a pregnant woman who is eligible for CalWORKs in her second or third trimester of pregnancy, as a result of AB 1579. For purposes of this letter, such AUs will be referred to as Pregnant Woman-Only AUs (PWOs). The participation requirements outlined in this ACL do not apply to AUs in which the pregnant woman is also eligible for CalWORKs due to the care of an ineligible child, such as a child receiving Supplemental Security Income.

Background

As described in ACL 15-38, the passage of AB 1579 changed CalWORKs eligibility rules impacting when pregnant women age 19 or older, with no other eligible children in the home, may begin to receive CalWORKs cash aid and pregnancy special needs payments. Effective July 1, 2015, pregnant women age 19 or older, with no other eligible children in the home, are eligible for CalWORKs starting in the second trimester of pregnancy. Prior to the passage of AB 1579, CalWORKs eligibility for the aforementioned women was limited to those in the third trimester of pregnancy. Pregnant 18-year olds with no other eligible children in the home, who have obtained a high school diploma or its equivalent, are eligible for CalWORKs anytime upon verification of pregnancy as a result of AB 1640.

Like other WTW participants, pregnant women who are eligible for CalWORKs are subject to WTW participation requirements, unless exempt from WTW in accordance with MPP Section 42-712. CalWORKs rules provide pregnancy-related WTW exemptions (MPP Sections 42-712.44 and .48), when the pregnancy impairs the woman's ability to be employed or participate in WTW activities. For more information on pregnancy-related exemptions available to PWO clients, as well as good cause, please refer to ACIN I-38-15 and ACL 15-08. Although state statute provides specific guidance on the average weekly participation requirements for one and two-parent AUs that include children, state law is silent on the participation requirement for PWO clients (WIC Section 11322.8).

CalWORKs Minimum Standards for PWOs

For the purpose of meeting CalWORKs minimum standards only, the participation requirement for PWOs is aligned with the participation requirement for single-parent AUs with a child under six, as described in MPP Section 42-711.411(b). Unless qualified for a WTW exemption, a PWO client who has time remaining on the WTW 24-Month Time Clock (WTW 24-MTC) has an average weekly participation requirement of 20 hours to meet CalWORKs minimum standards. While meeting CalWORKs minimum standards, a PWO client will have months count on the WTW 24-MTC. Months shall begin counting on the WTW 24-MTC only after the establishment of a WTW plan designed to meet CalWORKs minimum standards (MPP Section 42-708.22). As a reminder, months do not count on the WTW 24-MTC for any individual who is participating in the appraisal process, the assessment process, or is in the development of a WTW plan, in accordance with MPP Section 42-708.325. Like other CalWORKs clients, a PWO client may meet additional conditions described in MPP Section 42-708.3 to stop months from counting on the WTW 24-MTC.

CalWORKs Federal Standards for PWOs

Due to the federal limitation cited in U.S. Code Title 42 Section 607(c)(2)(B), to which CalWORKs regulations are aligned, only a single parent family with a child under age six can be deemed to be meeting work participation requirements with an average weekly 20-hour requirement. Since a PWO consists solely of an aided pregnant woman and is

treated as an AU of one, she is not considered a single-parent family with a child under age six for work participation purposes. Therefore, a PWO client has an average weekly participation requirement of 30 hours, 20 of which must be in core activities, to meet CalWORKs federal standards. Like other CalWORKs clients, months in which a PWO client meets CalWORKs federal standards will stop those months from counting on the WTW 24-MTC (MPP Section 42-708.311). A PWO client who has exhausted the WTW 24-MTC during a previous period of aid, must meet CalWORKs federal standards to remain on aid, unless she is exempt from WTW.

Please note: MPP Section 82-832.1(c) provides that if the father is living in the home with a PWO client, he is excluded from her AU in regard to receiving CalWORKs assistance. Additionally, he cannot contribute any hours to the PWO's participation requirements under CalWORKs minimum standards or CalWORKs federal standards. For this reason, in no case can there be a two-parent PWO subject to a 35-hour participation requirement under CalWORKs minimum standards or a 35-hour (30 core) participation requirement under CalWORKs federal standards.

Participation in WTW

County Welfare Departments (CWDs) should engage PWO clients who are subject to WTW participation requirements in activities and services designed to address employment barriers, provide education and training, and support family health and child well-being. Like other CalWORKs clients, a PWO client is given an assessment as described in MPP Section 42-711.55 to evaluate individual service needs and to develop a WTW plan. The WTW plan should consider occupational and parental preparation needs and goals. Examples of activities provided in a PWO client's WTW plan may include, but are not limited to, attending a Parent Education Course offered through an adult basic education program, participating in a Women's Wellness Program offered through a local nonprofit organization, or enrolling in a community college course focused on topics such as home finance, nutrition and child development. CWDs must determine what activities are appropriate for a PWO client depending on whether the client is in a WTW plan designed to meet CalWORKs minimum standards or CalWORKs federal standards. The WTW plan must include all necessary supportive services to enable the PWO client to attend and be successful in her assigned WTW activity(ies).

As described in ACIN I-38-15 and ACL 15-08, a PWO client may qualify for an exemption from WTW participation consistent with MPP Section 42-712, including the pregnancy exemptions provided in MPP Section 42-712.48 and the disability exemption provided in MPP Section 42-712.44. CWDs should review a PWO client's status regularly and provide instructions on how to request an exemption using the *CalWORKs Exemption Request Form* (CW 2186A), as well as the *Authorization to Release Medical Information* (CW 61), to ensure timely application of appropriate exemptions during the pregnancy. If exempt from WTW, a PWO client may voluntarily participate in WTW activities (MPP Section 42-712.5). A PWO client may also qualify for good cause from WTW participation in accordance with MPP Section 42-713.

Like other CalWORKs clients, a PWO client may be subject to the noncompliance process and sanctioned or removed from aid for failure to meet program requirements, in accordance with MPP Section 42-721. A PWO client who is subject to the noncompliance process must be given the opportunity to demonstrate good cause for failure to meet WTW participation requirements and be evaluated for possible exemptions from WTW requirements. If, during the noncompliance process, the CWD determines the PWO client does not qualify for good cause and does not qualify for an exemption from WTW, the PWO client may avoid a reduction in aid by agreeing to a compliance plan, in accordance with MPP Section 42-721.43. The compliance plan should include all necessary supportive services and any appropriate WTW activity(ies) to assist the PWO client in complying with program requirements.

If you have any questions regarding this letter, please contact your CDSS Employment Bureau County Consultant at (916) 654-2137.

Sincerely,

Original Document Signed By:

TODD R. BLAND
Deputy Director
Welfare to Work Division