



CDSS

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**DEPARTMENT OF SOCIAL SERVICES**

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July 27, 2010

ALL COUNTY LETTER NO. 10-11

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

SUBJECT: ELIMINATION OF FOOD STAMP SANCTIONS FOR NONCOMPLIANCE WITH SUBSTITUTE PROGRAM WORK REQUIREMENTS

REFERENCES: ADMINISTRATIVE NOTICE 09-34; TITLE 7 CODE OF FEDERAL REGULATIONS 273.7 (f), (g), and (k); MANUAL OF POLICIES AND PROCEDURES SECTION 63-407.23 and 63-407.54

The purpose of this letter is to issue revised food stamp sanction policies for persons who fail to comply with the work requirements of substitute programs identified in the Manual of Policies and Procedures (MPP) Section 63-407.23. Substitute programs consist of General Assistance/General Relief (GA/GR) and Refugee Resettlement Programs only. Food stamp regulations are being amended for consistency with the policies set forth in this letter.

Counties will have up to 90 days from the date of this letter to alter their processes so that a food stamp sanction will no longer be imposed when an individual is disqualified for failing to comply with the work requirements of a substitute program, unless participation in that program also serves as the individual's Food Stamp Employment and Training (FSET) mandatory assignment. All food stamp sanctions currently in effect for noncompliance with substitute program work requirements, which are not also FSET requirements, shall cease upon implementation of this requirement. Persons whose food stamp sanctions are discontinued as a result of this ACL may reapply and be prospectively approved for food stamps, if otherwise eligible. This change in food stamp policy does not impact the duration of cash sanctions imposed for noncompliance with GR/GA or Refugee Resettlement work requirements.

Current regulations at MPP Section 63-407.54 require the imposition of a one-, three-, or six-month food stamp disqualification whenever a food stamp work registrant is sanctioned for failure to comply with a substitute program, irrespective of the relationship of that program to FSET. Federal regulations contain no such mandatory requirement. Therefore, failure to participate in a work component of a GA/GR or

Refugee Resettlement Program will only result in a food stamp sanction if the component is designated as a mandatory FSET activity and the noncompliant individual is required to participate as part of FSET. Persons who participate in FSET on a voluntary basis are not subject to food stamp sanctions for noncompliance with FSET requirements.

Food stamp sanctions must still be imposed when an individual is sanctioned for failing to comply with work requirements of the California Work Opportunity and Responsibility to Kids (CalWORKs) Welfare-to-Work Program, Unemployment Compensation, and CalWORKs Unpaid Community Service and Work Experience per MPP Section 63-407.54. A one-, three-, or six-month food stamp sanction will be imposed unless the sanctioned individual qualifies for one of the food stamp work registration exemptions at MPP Section 63-407.21. These requirements are contained in federal legislation and regulations and are separate from California Department of Social Services (CDSS) requirements for substitute programs.

The original purpose of substitute programs was to provide an alternative means of satisfying food stamp work registration requirements through participation in a program other than FSET. This was at a time in the history of the Food Stamp Program when FSET participation was mandatory for all work registrants who did not qualify for an FSET deferral. All counties offered FSET, except for those that were eligible for a geographic exclusion based on having a small work registrant population or a high unemployment rate. Counties now have the option of not offering an FSET program. Those counties that choose to offer an FSET program only require participation of food stamp applicants and recipients within specific target populations. Therefore, the use of substitute programs to satisfy work registrant requirements is no longer necessary.

#### EXAMPLES OF CASES FOR CLARIFICATION PURPOSES:

Example 1: Bill is a GA recipient and a food stamp work registrant, but lives in a county that does not offer FSET. He fails to participate in a GA work assignment and receives a GA sanction. A food stamp sanction should not also be imposed along with the GA sanction.

Example 2: Linda is an FSET participant and is participating in unsupervised job search as her mandatory FSET activity. Unsupervised job search is not a GA component in her county. She also receives GA and has to participate in workfare as a condition of eligibility for GA. Linda fails to comply with GA workfare and a GA sanction is imposed. Food stamps will not be discontinued as Linda has not failed to comply with a mandatory FSET requirement. Negative action will only affect GA benefits. Linda must continue to participate in FSET job search as a condition of food stamp eligibility.

Example 3: Richard is an FSET participant and not a GA recipient. The county he resides in uses its GA workfare component to serve its FSET population. Richard is assigned to workfare as his mandatory FSET activity, but he fails to comply without good cause. A food stamp sanction should be imposed based on noncompliance with mandatory FSET participation requirements. The sanction should be imposed even though Richard is not a GA recipient, as the sanction is based solely on mandatory FSET noncompliance.

Example 4: Michael receives both food stamps and GA and lives in a county where the primary FSET population consists of GA recipients. FSET components are GA components, and Michael is an FSET participant. He is assigned to job club as his mandatory FSET assignment and his GA assignment; but he fails to attend a workshop on resume writing, and no good cause exists for his lack of attendance. He would receive both GA and food stamp sanctions because he has failed to comply with both his mandatory FSET assignment and GA participation requirements.

Example 5: Jim receives both food stamps and GA and he lives in a county whose FSET components include workfare. Workfare is a mandatory GA component, but those assigned to workfare for food stamps are assigned as voluntary FSET participants. Work registrants participate strictly on a voluntary basis and FSET sanctions are not imposed for failure to attend or otherwise comply with program activities. Jim voluntarily participates in FSET workfare concurrent with GA workfare, but after three weeks, he stops attending. While his GA would be discontinued as a result of his noncompliance, his food stamps would not. Only failure to participate in a mandatory FSET assignment can result in a food stamp sanction, regardless of how this assignment is treated by other programs.

Example 6: Sharon receives both food stamps and GA and she lives in a county whose FSET components consist of workfare and vocational training. Workfare is also a GA component and those assigned to workfare are also FSET participants with workfare serving as their mandatory FSET assignment. On the other hand, vocational training is a volunteer FSET component. Work registrants participate strictly on a voluntary basis and FSET sanctions are not imposed for failure to attend or otherwise comply with program activities. The county has not limited its FSET target population to recipients of GA. The county serves all non-assistance food stamp recipients to the extent FSET funds are available.

Sharon voluntarily participates in vocational training concurrent with workfare, but after three weeks of classroom attendance, she stops attending the training component. Neither GA nor food stamps would be discontinued as a result of her noncompliance. Only failure to participate in workfare without good cause would lead to the imposition of GA and food stamp sanctions.

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If you have any questions concerning this letter, please contact Robert Nevins of the Food Stamp Program, Employment and Special Projects Unit, at (916) 654-1408 or via e-mail at [robert.nevins@dss.ca.gov](mailto:robert.nevins@dss.ca.gov).

Sincerely,

***Original Document Signed By:***

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Welfare to Work Division