

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, California 95814



July 31, 1998

ALL-COUNTY LETTER NO. 98-58

TO: ALL COUNTY WELFARE DIRECTORS
 ALL COUNTY WELFARE-TO-WORK
 COORDINATORS
 ALL COUNTY CalWORKs PROGRAM
 SPECIALISTS
 ALL COUNTY APPEAL SUPERVISORS

REASON FOR THIS TRANSMITTAL

- | | |
|-------------------------------------|---|
| <input type="checkbox"/> | State Law Change |
| <input type="checkbox"/> | Federal Law or Regulation Change |
| <input type="checkbox"/> | Court Order |
| <input type="checkbox"/> | Clarification Requested by One or More Counties |
| <input checked="" type="checkbox"/> | Initiated by CDSS |

SUBJECT: COUNTY POLICIES AND PROCEDURES

This letter is to transmit information and guidance regarding county responsibility for developing and documenting county policies and procedures and presenting them at state hearings.

County Policy Development

CalWORKs legislation (AB 1542 Chapter 270, Statutes of 1997) provides counties with increased flexibility to design and implement welfare-to-work programs that are best suited to the needs of the clientele being served, the resources available, and local labor market conditions. AB 1542 and CalWORKs regulations issued by the California Department of Social Services (CDSS) provide counties with a number of options for designing their welfare-to-work programs and developing standards and criteria to determine issues such as:

- Eligibility for lump sum diversion services and repayment procedures for diversion benefits;
- The range of welfare-to-work activities that will be offered by the county welfare department (CWD);
- The hours of work participation required of the adult in a one parent family;
- Exemption from work participation requirements based on providing care to a child under six months of age (may be reduced to 12 weeks of age or increased to 12 months of age); and
- Verification standards for regular school attendance.

In some areas, CDSS has not adopted detailed regulations. The increased program flexibility allowed under CalWORKs requires that the counties take a greater responsibility for the development of standards and criteria that will be used to determine the benefits and services that individuals will receive. In order to assure uniform treatment within the county, we strongly recommend the development of written county policies and procedures. Written policies and procedures will ensure that both county staff and applicants for and recipients of aid have knowledge of applicable program rules. The county also will have evidence of its policies and procedures to present at state hearings.

County Responsibilities at State Hearings:

Administrative Law Judges (ALJ) are granted authority under Welfare and Institutions Code Section 10950 to review any county action relating to an applicant's application for or recipient's receipt of public social services. This includes actions taken by the county in regard to welfare-to-work participation by CalWORKs recipients. At hearing, the ALJ will review the "facts" of the case that are in dispute and also determine if the county's action is consistent with applicable statutes, regulations, CDSS policy guidelines, and/or county policies. Therefore, in developing any local policies, counties must ensure that local policies, criteria, and procedures are consistent with existing statutes, regulations, and CDSS guidelines transmitted via All County Letter (ACL), All County Information Notice (ACIN), or any similar instrument. Additionally, counties should take appropriate steps to ensure that local policies and procedures are documented, communicated to staff, and applied in a uniform manner.

When presenting the county's position at a hearing, county staff should explain how and why its policies, criteria, and/or procedures were applied in the particular case. To demonstrate that the county's decisions are not, nor appear to be, arbitrary and capricious, the county should do the following:

- Cite the appropriate state rule (statute, regulation, ACL, or ACIN) that gives the county the authority to adopt and implement its own policies, criteria, or procedures.
- Explain how and why the county's policies, criteria, and/or procedures were applied in the particular case to be heard; and
- Provide documentation of the relevant policies, criteria, and/or procedures to the ALJ. Relevant documentation may include, but is not limited to the specific written sections of the certified county plan, the county policies, the county training manuals that support the county action in the individual case, or any other documentation deemed relevant by the ALJ. For example, the county should introduce the following evidence in a case when the issue is the length of the exemption for care of an infant.

- Cite the appropriate state rule granting authority to the county to make its own determination regarding length of exemption for care of an infant.
- Cite and attach appropriate pages from the county plan that speaks to criteria for reducing or increasing the exemption period, on a case-by-case basis.
- Cite and attach the specific written policies and procedures that the county is following to support the reduced exemption.
- Explain how county policies or procedures apply to the claimant's specific facts.

Should a county not have any specific written policies or procedures entered as evidence in the hearing, the ALJ must reach a decision by applying the facts of the case to the relevant statute or regulation, without regard to county policy.

If you have any questions regarding the development of county policies and procedures, please contact Charr Lee Metsker, Chief, Employment and Eligibility Branch, at (916) 657-2128. In regard to questions on state hearings, please contact Laurence H. Geller, Presiding Administrative Law Judge, Quality Improvement and Disability Hearings Bureau, at (916) 229-4064.

Sincerely,

***Original Document Signed By
Bruce Wagstaff on 7/31/98***

BRUCE WAGSTAFF
Deputy Director
Welfare to Work Division

***Original Document Signed By
John Castello on 7/31/98***

JOHN CASTELLO
Chief, Administrative Law Judge
State Hearings Division