

63-405	CITIZENSHIP OR ELIGIBLE NONCITIZEN STATUS	63-405
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(Continued)

.74 Reporting the required information about the sponsor and sponsor's spouse should the noncitizen obtain a different sponsor during the certification period and for reporting a change in income should the sponsor or the sponsor's spouse change or lose employment or die during the certification period. Such changes shall be handles in accordance with the timeliness standards and procedures described in Sections 63-505.3 and .5 as appropriate.

.8 Reporting of Illegal Noncitizens

The CWD shall immediately inform the local INS office whenever personnel responsible for the certification or recertification of households discovers that an applicant or a household member is under an order of deportation. For purposes of this section, the term household member shall mean a person whose name appears on the application or other documents and who would have been a food stamp household member except for his/her noncitizen status. When any household member indicates inability or unwillingness to provide documentation of noncitizen status for any household member, that member shall be classified as an ineligible noncitizen. In such cases the CWD shall not continue efforts to obtain such documentation. The ineligible noncitizen's income and resources shall be available to the household as specified in Section 63-503.44. CWD disclosure to INS shall be deemed to be within the administration of the FSP as described in Section 63-201.3.

.81 For reporting purposes, reliable sources of information regarding orders of deportation shall be limited to:

.811 The noncitizen's or other household member's admission.

.812 Food stamp documents, as used in the application or reporting process; or,

.813 Presentation of INS documents showing that the noncitizen is under an order of deportation.

NOTE: Authority cited: Sections 10553, 10554, and 18904, Welfare and Institutions Code. Reference: Sections 10554 and 18904, Welfare and Institutions Code; 7 Code of Federal Regulations (CFR) 273.2(f)(1)(ii)(B)(2), (j)(3) and (4); 7 CFR 273.4(a)(2), (a)(4)(ii) and (iii), (a)(5)(ii)(2)(B) and (2)(G)(1), (C), (E), (F) and (G)(1), (a)(8), and (c)(2)(i); 7 CFR 273.10(b); 7 CFR 273.6; 7 CFR 273.11; U.S.D.A. Food and Nutrition Service Administrative Notice (AN) 92-30; Federal Register, Vol. 56, No. 233, page 63594; Federal Register, Vol. 62, No. 202, dated October 20, 1997; Public Law (P.L.) 100-202 and 100-461, P.L. 104-193, Section 402 (Personal Responsibility and Work Opportunity Reconciliation Act of 1996); P.L. 105-185, Title V, Sections 503 through 510; P.L. 107-171, Title IV, Section 4401; AN 96-47; AN 96-48 (Part A, page 6); AN 96-55; AN 97-02; AN 97-13; AN 97-44; AN 97-82; AN 97-103; AN 97-107; AN 98-13; AN 98-21; AN 98-28; AN 98-30; AN 98-79; AN 98-93; AN 99-01; AN 99-24, AN 02-39, AN 03-04, and AN 03-17; and Section 4401, Food Stamp Reauthorization Act of 2002, P.L. 107-171 [8 USC 1612(a) and 8 USC 1613(c)].

63-406 STUDENTS**63-406****.1 Applicability.**

- .11 Any person who is age 18 through 49; physically and mentally fit for employment; and enrolled at least half-time, as defined by the institution, in an institution of higher education (as defined in Section 63-406.111(a)), shall be ineligible to participate in the Food Stamp Program unless that person complies with the eligibility requirements as specified in Section 63-406.2.
- .111 To be considered a student at an institution of higher education, a person specified in Section 63-406.111(a)(1) needs only to be enrolled at least half-time; whereas a person specified in Section 63-406.111(a)(2) needs to be both enrolled at least half-time and enrolled in a regular curriculum. A regular curriculum at an institution of higher education means the standard requirements for graduation or certification/qualification in a particular field of study.
- (a) An "institution of higher education" refers to:
- (1) A business, trade, technical or vocational school at the post-high school level that normally requires a high school diploma or equivalency certificate for enrollment; or
- (2) A junior, community, two-year or four-year college or university, or graduate school, regardless of whether a high school diploma or equivalency certificate is required.
- (A) If a college normally requires a high school diploma or equivalency certificate, but does not require either of these for a particular program or course, enrollment in such a program or course does not constitute enrollment in an institution of higher education.
- .12 Student eligibility requirements shall not apply to persons age 17 or under, persons age 50 or over, persons physically or mentally unfit for employment, persons attending high school, persons participating strictly in the job training portion of on-the-job-training programs as opposed to the class attendance portion, persons enrolled in an institution of higher education as specified in Section 63-406.111(a)(1) less than half-time, persons enrolled in a regular curriculum in an institution of higher education as specified in Sections 63-406.111 and 63-406.111(a)(2) less than half-time, or to persons enrolled full-time in schools and training programs which are not institutions of higher education.

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- .121 If mental or physical unfitness for employment is claimed and the unfitness is not evident to the CWD, verification shall be required. Appropriate verification may consist of receipt of temporary or permanent disability benefits issued by governmental or private sources, or a statement from a physician or licensed or certified psychologist.

- .122 Participants in an on-the-job training program would have to meet the student eligibility requirements when they were only attending classes in an institution of higher education at least half-time, and not involved in the training portion as specified in Section 63-406.12.

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Example (a) A man is involved in a six-month on-the-job training program at a vocational school that normally requires a high school diploma. During the first three months of the program he engages exclusively in full-time, on-site classroom instruction, to prepare him to work in the shop area. He must meet one of the student eligibility requirements as specified in Section 63-406.21 to be eligible to receive food stamps because he is a student at an institution of higher education as specified in Sections 63-406.111 and .111(a)(1).

Example (b) A man is involved in a six-month on-the-job training program at a vocational school that normally requires a high school diploma. He spends the first four hours each day in classroom instruction and the second four hours in the shop, applying what he learned on the job. He does not have to meet the student eligibility requirements as specified in Section 63-406.21 because he is engaged in on-the-job training and therefore is exempt from meeting the student eligibility requirements.

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.2 Eligibility Requirements.

- .21 In order to be eligible to participate in the Food Stamp Program, any student (as defined in Section 63-406.1) shall meet at least one of the following criteria on the date of the interview:
 - .211 Be employed for a minimum of twenty hours per week and be paid for such employment or, if self-employed, be employed for a minimum of 20 hours per week and receive gross weekly earnings at least equal to the federal minimum wage multiplied by 20 hours; (See Section 63-408.111 and Section 63-502.112).

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- .212 Be approved for state or federally financed work study for the current school term, as defined by the institution, and anticipate working during the term.

The exemption begins the month the school term starts or the month work study is approved, whichever is later. The exemption continues until the end of the month the school term ends, or it becomes known that the student refused a work assignment.

The exemption shall not continue between terms when there is a break of a full month or longer unless the student is participating in work study during the break.

- .213 Be exerting parental control over a dependent household member under the age of six. (See Section 63-102p.(1) for definition of parental control.)

- .214 Be exerting parental control over a dependent household member who has reached age six but is under age 12 and the CWD has determined on a case-by-case basis that adequate child care services are not available (See Section 63-406.23) to enable the individual to attend class and work 20 hours per week or participate in a state or federally financed work study program during the regular school year.

- .215 Be a recipient of AFDC.

- .216 Be assigned to or placed in an institution of higher education through or in compliance with the requirements of Sections 63-406.216(a) through (e).

Self-initiated placements during the period of time the person is enrolled in one of the employment and training programs as specified in Sections 63-406.216(a) through (e) shall be considered to be in compliance with the requirements of the employment and training program in which the person is enrolled, provided that the program has a component for enrollment in an institution of higher education and that program accepts the placement.

Persons who voluntarily participate in one of the employment and training programs as specified in Sections 63-406.216(a) through (e) and are placed in an institution of higher education through or in compliance with the requirements of the program shall qualify for the exemption. These programs are:

- (a) The Job Training Partnership Act (JTPA),
- (b) a Food Stamp Employment or Training Program (FSET),

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- (c) the Job Opportunities and Basic Skills (JOBS) program under Title IV of the Social Security Act.
 - (d) a program under Section 236 of the Trade Act of 1974, or
 - (e) a state or local government employment and training program, for low-income individuals, determined by the county welfare department to be providing at least one of the components as specified in Section 63-407.841.
- .217 Enrolled full-time in an institution of higher education and is a single parent with responsibility for the care of a dependent child under age 12.

This provision applies when only one of the child's(ren's) natural, adoptive or stepparents, regardless of marital status, is in the same food stamp household as the child(ren). "Regardless of marital status" means that the parent could be single (never married), a widow or widower, separated, divorced, or married and living in a separate household from the other parent.

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Example (a) If one natural parent and a stepparent are living with the child, neither the natural parent nor the stepparent could qualify for the student exemption.

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- If no natural, adoptive or stepparent is in the same food stamp household as the child, another full-time student in the same food stamp household as the child may qualify for eligible student status if he or she has parental control over the child and is not living with his or her spouse.
- .22 The enrollment status of a student shall begin on the first day of the school term of the institution of higher education. Once a student enrolls in an institution of higher education, such enrollment shall be deemed to continue through normal periods of class attendance, vacation and recess unless the student graduates, is suspended or expelled or drops out.
- .221 Student eligibility criteria shall be applied on the date of the interview to all applicants who are students as defined in Section 63-406.1. The student eligibility criteria shall also be applied on the date of the interview to all applicants who are noncontinuing students in the final month of student status.

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.23 In determining whether or not adequate child care services are available as required in Section 63-406.214, the following factors shall be considered:

.231 Accessibility of the child care facility to the child's home and school,

.232 Convenience for the student household member and suitability of the hours of the child care with respect to the student household's member's school schedule, and

.233 Appropriateness of the child care services to the age and special needs of the child.

.3 Ineligible Students

Any student as defined in Section 63-406.1 who does not meet the eligibility criteria of Section 63-406.2 shall be considered an excluded household member. The income and resources of an ineligible student shall be treated in accordance with Section 63-503.45.

NOTE: Authority cited: Sections 10554 and 18904, Welfare and Institutions Code. Reference: Sections 10554 and 18904, Welfare and Institutions Code; 7 CFR 271.2; 7 CFR 273.5, .5(a), .5(b)(6), (b)(7), (b)(10), and (b)(11); 7 CFR 273.10(b); Federal Register, Volume 60, Number 183, dated September 21, 1996; and 7 U.S.C. 2015(e).

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.1 Persons Required to Register

The CWD shall determine which household members are required to be registered for employment. Each household member who is not exempt by Section 63-407.2 shall be registered for employment at the time of application and once every twelve months after initial registration as a condition of eligibility, 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 indicated in Section 63-301.5.

.2 Work Registration Exemptions and Registration in Substitute Programs

.21 Except as specified in Section 63-407.24, the following persons are exempt from the food stamp work registration requirement:

(a) A person younger than 16 years of age or a person 60 years of age or older. If a child has his/her 16th birthday within a certification period, the child shall fulfill the work registration requirement as part of the next scheduled recertification process, unless the child qualifies for another exemption.

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- (1) A person age 16 or 17 who is not the head of the household, or who is attending school, or enrolled in an employment training program on at least a half-time basis is exempt.

- (b) A person physically or mentally unfit for employment. If mental or physical unfitness is claimed and the unfitness is not evident to the CWD, verification shall be required. Appropriate verification may consist of receipt of temporary or permanent disability benefits issued by governmental or private sources, or of a statement from a physician or licensed or certified psychologist;

- (c) A household member subject to and complying with any work requirement under Title IV of the Social Security Act including Greater Avenues for Independence (GAIN) and California Work Opportunity and Responsibility to Kids (CalWORKs) programs. If the exemption claimed is questionable, the CWD shall be responsible for verifying the exemption, as required in Section 63-300.53;

- (d) A parent or other household member who is responsible for the care of a dependent child under 6 or an incapacitated person. If the child has his/her 6th birthday within a certification period, the individual responsible for the care of the child shall fulfill the work registration requirements as part of the next scheduled recertification process, unless the individual qualifies for another exemption;

- (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. If the exemption claimed is questionable, the CWD shall be responsible for verifying the exemption with the appropriate EDD office as required by Section 63-300.53;

- (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. This exemption shall apply to migrant and seasonal farm workers who are under contract or similar agreement with an employer or crew chief to being employed within 30 days;

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- (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 Section 63-406.2. A student enrolled in a school, training program or institution of higher education shall remain exempt during normal periods of class attendance, vacation and recess. However, persons who are not enrolled at least half time or who experience a break in their enrollment status due to graduation, expulsion, suspension or who drop-out shall not be considered students for the purpose of qualifying for this exemption;
- .211 Persons exempted in Section 63-407.21 shall be permitted to volunteer to participate in the Food Stamp Employment and Training (FSET) Program as described in Section 63-407.8.
- .22 Loss of Work Registration Exemptions
- .221 Persons losing exemption status due to any change in circumstances that is subject to the reporting requirements of Sections 63-505.3 or .5 (such as a loss of employment that also results in a loss in income of more than \$25 a month, or departure from the household of the sole dependent child for whom an otherwise nonexempt household member was caring) shall be registered for employment when the change is reported. The CWD shall annotate the registration changes to the person's exemption status on an existing record designated by SDSS.
- .222 Those persons who lose their exemption due to a change in circumstances not subject to the reporting requirements of Section 63-505.3 or .5 shall register for employment at their household's next recertification.
- .223 Those persons exempt because they are registered for work under one of the programs specified in Sections 63-407.21(c) or (e) and are deemed ineligible to participate in that program due to a change in household circumstances other than failing to comply with the work registration requirements of that program shall be registered for work in accordance with Section 63-407.3 under the Food Stamp Program within 10 calendar days from the date they lose their eligibility for that program. For treatment of persons who fail to comply with the work registration requirements of a program specified in Sections 63-407.21(c) and (e), see Section 63-407.54.

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.23 Substitute Programs

Persons registered in the following programs shall be considered as registered for work under the Food Stamp Program:

- o General Assistance Work Program
- o Non-WIN Public Assistance (PA) Program
- o Refugee Resettlement Program

.231 Those persons registered in a substitute program as specified in Section 63-407.23, who are deemed ineligible to participate in that program due to a change in household circumstances other than failing to comply with work registration requirements of that program, shall be subject to the work registrant requirements of the Food Stamp Program in Section 63-407.4, within 10 days from the date they lose their eligibility for that program. For treatment of persons who fail to comply with the work registration requirements of these programs see Section 63-407.54.

.24 CalWORKs Unpaid Community Service and Work Experience

Participants in unpaid community service and work experience activities under CalWORKs shall be considered to be participating in the Food Stamp Workfare Program, subject to the following:

.241 Such persons shall be subject to all CalWORKs Welfare-to-Work (WTW) Program statutes and regulations, including WTW exemptions, except that, consistent with Section 2029(a)(1) of Title 7 of the United States Code, the hours of participation shall be limited as follows:

- (a) The hours of participation in unpaid community service and work experience shall be limited to the number of hours each month, determined collectively for the CalWORKs assistance unit, equal to the CalWORKs assistance unit's grant plus the assistance unit's portion of the food stamp allotment divided by the higher of the state or federal minimum wage. This monthly limit shall be considered to have been met by participation in an average weekly number of hours determined by dividing the monthly amount by 4.33 (average number of weeks per month).

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- (b) The WTW Program regulations are located in MPP Chapter 42-700. See Section 42-716.31(j) for further instructions on hours of participation for community service. See Section 42-716.31(d) for further instructions on hours of participation for work experience.

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- .242 Persons identified in Section 63-407.24 who are sanctioned for failing to comply with their CalWORKs WTW assignment shall be subject to the food stamp sanction requirements at Section 63-407.54.

.3 CWD Requirements

- .31 Upon reaching a determination that an applicant or other members of the applicant's household are required to be registered, the CWD shall:
 - .311 Explain to the applicant the work registrant requirements in Section 63-407.4 and, if assigned to the FSET Program, the requirements in Section 63-407.8, the rights and responsibilities, and the consequences of failure to comply.
 - (a) The applicant shall be informed that he/she may be deferred from FSET Program participation if monthly expenses identified in Section 63-407.83 exceed the allowable reimbursable amounts identified in that section.
 - .312 Provide a written statement of the requirements in Section 63-407.311 to each work registrant.
 - .313 Provide a written statement:
 - (a) at recertification, and
 - (b) when a previously exempt individual or new household member is required to be registered.
- .32 Household members are considered to be registered when the registration is annotated by the CWD on an existing record designated by SDSS.

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.4 Work Registrants Requirements

Persons registered for work under the Food Stamp Program or a program specified in Sections 63-407.21(c) or (e) shall:

- .41 Comply with the requirements of the FSET Program, as described in Section 63-407.8, when assigned by the CWD.
- .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 Section 63-407.7.
- .44 Accept a bona fide offer of suitable employment, as defined in Section 63-407.7.

.5 Failure to Comply; Good Cause; Notification; and Disqualifications

- .51 The CWD shall be responsible for determining good cause in those instances where the work registrant has failed to comply with the requirements of Section 63-407.4.

In determining if good cause existed for failure to comply with any work registration or FSET Program requirements, the CWD shall consider the facts and circumstances, including information submitted by the household member involved and/or the employer. Good cause shall include circumstances beyond the member's control, such as, but not limited to, illness, illness of another household member requiring the presence of the member, a household emergency, lack of adequate child care for children who have reached age six but are under twelve years of age [see Section 63-408.41(j)], the unavailability of transportation, or problems caused by inability of the work registrant to speak, read or write English.

- .52 Within 10 days of determining that noncompliance with any of the food stamp work registration requirements at Section 63-407.41 was without good cause as specified in Section 63-407.51, the CWD shall issue a notice of adverse action informing the household of the disqualification being imposed on the noncompliant individual. In addition to the notification requirements specified in Section 63-504.21, the notice shall contain a description of the act of noncompliance, identify the minimum length of the food stamp disqualification and specify that if at any time the individual becomes exempt in accordance with Section 63-407.21, the disqualification shall end and the individual may reapply for food stamps. Information describing the action that can be taken to avoid the ineligibility before the disqualification period begins must be included on or with the notice. The notice shall specify that the individual, if otherwise eligible, may apply for food stamp benefits at the end of the disqualification period.

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- .521 Each individual has a right to a state hearing to appeal a denial, termination or reduction of benefits due to a determination of nonexempt status, or a determination of failure to comply with the work registration or FSET Program requirements. Individuals can appeal actions such as exemption status, the type of requirement imposed, or CWD refusal to make a finding of good cause. If a state hearing is scheduled, the CWD shall provide sufficient advance notice to permit the availability, either in person or by phone as appropriate, of a representative of the component operator, if it is anticipated that such attendance will be necessary.

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- .522 The recommended CDSS developed form to use for notification of disqualification actions is the DFA 377.10.

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- .53 For purposes of determining the appropriate disqualification to apply, the CWD shall count any previous sanctions and/or disqualifications imposed on an individual for failing to comply with the provisions of work registration in Section 63-407.4; unemployment, CalWORKs WTW, and other substitute work programs in Section 63-407.54; and voluntary quit and reduction of work effort in Section 63-408. If the individual qualifies for one of the exemptions listed at Section 63-407.21 during the minimum disqualification period identified in Sections 63-407.531, .532 or .533, the disqualification shall end and the individual may reapply and be approved 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 adverse action.
- .531 The minimum duration of the first food stamp disqualification is one month.
- .532 The minimum duration of the second food stamp disqualification is three months.
- .533 The minimum duration of the third or subsequent food stamp disqualification is six months.
- .54 When an individual is sanctioned for failing to comply with the work requirements of a program as specified in Section 63-407.21(c) (Welfare-to-Work), Section 63-407.21(e) (Unemployment Compensation), Section 63-407.23 (Substitute Programs), or Section 63-407.24 (CalWORKs Unpaid Community Service and Work Experience), the individual shall also receive a Food Stamp sanction in accordance with Section 63-407.5.
- .541 The individual shall be notified of the disqualification as specified in Section 63-407.52.

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.542 When a person is sanctioned under one of the programs identified in Section 63-407.54, except for a substitute program sanction under Section 63-407.23, the following food stamp work registration exemption requirements shall apply:

- (a) A food stamp sanction shall not be imposed if the individual qualifies for one of the food stamp work registration exemptions at Section 63-407.21. Since no food stamp sanction is imposed, an instance of noncompliance is not counted for purposes of determining the length of future food stamp sanctions.

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Example:

In March, Sue receives a WTW sanction for failing to participate in a community service assignment. In reviewing her case record, the CWD learns that Sue is responsible for the care of a four-year old child and is exempt from food stamp work registration per MPP Section 63-407.21(d). Therefore, a food stamp sanction would not be imposed and Sue would remain eligible for food stamps while under the WTW sanction.

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- (b) When an individual does not qualify for one of the food stamp work registration exemptions at Section 63-407.21 and a food stamp sanction is imposed, the food stamp sanction shall end when the sanctioned individual subsequently qualifies for a work registration exemption.

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Example:

Sally is part of a five-person food stamp household and at the end of February, she receives a CalWORKs/food stamp sanction for failing to participate in a WTW assignment. In May, Sally begins regular participation in a drug rehabilitation program and qualifies for the food stamp work exemption at Section 63-407.21(f). At that time, the food stamp sanction would stop. For multiple person households, eligibility is reestablished for the previously sanctioned individual the first of the following month, if the individual is otherwise eligible (Section 63-504.353). Therefore, Sally would be eligible for food stamps effective June 1.

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.543 When an individual identified in Section 63-407.54 regains eligibility by complying with the program requirement previously violated, the individual is again exempt from work registration. The food stamp sanction period identified in Section 63-407.531, .532 or .533 shall end and the individual shall be approved for food stamps if otherwise eligible.

.6 Ending a Disqualification Period

.61 Following the completion of a minimum disqualification period identified in Section 63-407.53, an individual who is otherwise eligible, may apply for food stamps and be approved if the CWD determines the individual is in compliance with the food stamp work registration requirements defined in Section 63-407.4. For the purpose of this provision, in compliance means the individual is fulfilling one of the food stamp work registration requirements, or he/she agrees to fulfill the requirements as specified by the CWD at application.

.611 If an individual becomes exempt in accordance with Section 63-407.21 or 63-410.3 during a disqualification period, the individual may reestablish food stamp eligibility by reapplying if otherwise eligible.

(a) This provision applies at any time during the period of disqualification.

.62 An individual, who is disqualified for not meeting the food stamp work requirements (e.g., not accepting a job offer) and is discontinued for failing to comply with the 80 hours per month ABAWD work requirement may regain food stamp eligibility if after the disqualification period has ended, he/she complies with the requirements of Section 63-410.5 or becomes exempt under Section 63-410.3 during the disqualification period.

.7 Suitable Employment

.71 Any employment shall be considered unsuitable if:

.711 The wage offered is less than the highest of:

- a. The applicable federal minimum wage;
- b. The applicable state minimum wage;
- c. Eighty percent (80%) of the federal minimum wage if neither the federal nor state minimum wage is applicable.

.712 The employment offered is on a piece-rate basis and the average hourly yield the employee can reasonable be expected to earn is less than the applicable hourly wages specified under Section 63-407.711.

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- .713 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.
- .714 The work offered is at a site subject to a strike or lockout at the time of the offer.
- .72 In addition, employment shall be considered suitable unless the household member involved can demonstrate or the county welfare department otherwise becomes aware that:
 - .721 The degree of risk to health and safety is unreasonable.
 - .722 The member is physically or mentally unfit to perform the employment, as documented by medical evidence or by reliable information from other sources.
 - .723 The employment offered within the first 30 days of registration is not in the member's major field of experience.
 - .724 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 jobsite.
 - .725 The working hours or nature of the employment interferes with the member's religious observances, convictions, or beliefs. For example, a Sabbatarian could refuse to work on the Sabbath.
- .8 Food Stamp Employment and Training (FSET) Program
 - .81 CWD Screening

The CWD shall screen each work registrant to determine whether or not the registrant will participate or be deferred from the FSET Program. This requirement shall not apply in counties that are totally geographically excluded as allowed in Section 63-407.842.

 - .811 The following individuals shall be deferred from mandatory participation until the CWD determines that the situation precluding FSET participation no longer exists.
 - (a) A person who resides in a federally approved geographically excluded area.

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- (b) A person who participates in a program described in Section 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 persons who:
 - (1) Lack dependent care;
 - (A) Lack of child care is defined in accordance with Section 63-408.41(j).
 - (B) Lack of dependent care shall be determined if dependent care costs exceed the maximum dependent care deduction per month per dependent. (The current amounts are reproduced in Handbook Section 63-1101.23.)
 - (2) Lack transportation which is defined as:
 - (A) Private or public transportation is not available at reasonable times on a regular basis; or
 - (B) Monthly transportation costs plus other costs of participation (excluding dependent care costs) that exceed the amounts as determined in Section 63-407.831.
 - (3) Live an unreasonable distance from the FSET program site;
 - (4) Have a severe family crisis;
 - (A) Severe family crisis is defined as:
 - An incapacitated or ill family member who temporarily needs the care of the registrant.
 - (B) A death in the immediate family or of any person in the immediate household;
 - (C) A situation in the immediate family or immediate household that temporarily requires the presence of the registrant.

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- (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; or
 - (A) Temporary illness or disability is defined as:

Pregnancy;
 - (B) An illness or injury serious enough to temporarily prevent employment. Minor ailments, such as colds, will not defer a person from participation.
 - (8) Repealed by Manual Letter No. FS-89-01, effective 1/1/89.
- .812 The CWD shall attempt to place persons deferred due to excessive dependent care or transportation costs into a component in which such costs do not exceed the amount eligible for reimbursement as specified in Section 63-407.83.
- (a) If a suitable component is not available, individuals shall be deferred until an affordable component becomes available or individual circumstances change so that monthly expenses do not exceed maximum reimbursable rates.
- .813 Individual deferrals shall be reevaluated no later than at each recertification.
- .814 Persons who are deferred shall be permitted to volunteer to participate in the FSET Program.
- .815 Persons who are registered for work in accordance with Section 63-407.1 and who are not deferred under Section 63-407.811 are considered mandatory participants.
- .82 Referral to FSET Program

The CWD shall refer mandatory participants to an FSET Program component who have been specifically identified in an approved county plan in accordance with Section 63-407.842. The CWD shall also be permitted to refer applicants and volunteers.

63-407 WORK REGISTRATION REQUIREMENTS (Continued)**63-407**

.821 Upon entry into each component the registrant shall be told, either orally or in writing, of the component requirements, what will constitute noncompliance, and the sanctions for noncompliance.

.83 Participant Reimbursement

The CWD shall reimburse participants, including volunteers and applicants, for costs that are reasonably necessary and directly related to participation as specified in Sections 63-407.831 and .832. The CWD shall inform each participant that allowable expenses identified in this section shall be reimbursed upon presentation of appropriate documentation.

.831 The CWD shall provide reimbursement payments for the actual costs of transportation and other FSET participation expenses (other than dependent care costs) that are reasonable and necessary and directly related to participation in the FSET program. These payments shall be provided as either a reimbursement for expenses incurred or in advance as payment for anticipated expenses in the coming month.

(a) In addition to transportation costs, training or education related expenses include, but are not limited to, the costs of uniforms, personal safety items or other necessary equipment, and books or training manuals. Such expenses shall not include the cost of meals away from home.

(1) CWDs shall determine the level of reimbursement or advance.

(A) The level of reimbursement or advance shall be defined in the county FSET plan and approved by CDSS.

(2) The CWD shall maintain written policy and procedures for the reimbursement of transportation and ancillary expenses.

(3) The CWD's policy and procedures shall be made available to FSET participants.

(b) Reasonable and necessary as it applies to transportation means:

(1) The least costly form of public transportation, including CWD provided transportation, that would not preclude participation in an FSET activity.

63-407 WORK REGISTRATION REQUIREMENTS (Continued)**63-407**

- (2) If there is no public transportation available that meets these requirements, participants may use their own vehicles. Participants shall be reimbursed at one of the following rates:
 - (A) The CWD shall select an existing reimbursement rate used in the county, or
 - (B) The CWD shall develop a rate that covers necessary costs.
 - (C) The reimbursement rate may not include a “cap,” or maximum monthly reimbursement amount, beyond which additional miles driven are not reimbursed.
 - (3) Parking for FSET participants shall be reimbursed at actual cost. Individuals shall submit receipts for this purpose, except in cases where parking meters are used.
 - (4) FSET participants who choose to use their own vehicles when public transportation is available will be reimbursed at the least expensive reimbursement rate of available transportation pursuant to Sections 63-407.831(b)(1) and (2).
 - (c) Reasonable and necessary ancillary expenses shall include the cost of books, tools, clothing specifically required for the job, fees, and other essential costs.
- .832 For dependent care costs, the CWD shall reimburse the actual cost in an amount not to exceed the maximum dependent care deduction per month per dependent.
- (a) In lieu of providing reimbursements or payments for dependent care, the CWD may arrange for care through providers by use of purchase of service contracts or vouchers or by providing vouchers to the household.

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63-407 WORK REGISTRATION REQUIREMENTS (Continued)**63-407**

- (b) Reimbursement, payment, or arrangement for dependent care shall not be made to an individual who is the caretaker relative of a dependent in a family receiving Aid to Families with Dependent Children. In addition, an FSET Program participant is not entitled to reimbursement for dependent care costs if a member of the participant's Food Stamp household provides the care.
- (c) Reimbursements shall be provided for the following dependents:
 - (1) Children who have reached age six but who are under thirteen years of age; and
 - (2) Persons who have reached age 13 but are physically/mentally incapacitated or under court supervision.
 - (A) The CWD shall require verification when physical/mental incapacity or the need for court supervision is questionable.
- (d) The CWD shall verify the need for and cost of dependent care prior to reimbursing a participant for dependent care costs.
 - (1) Such verification shall include the name and address of the care provider, provider costs and the number of hours for which care is needed.
- (e) A participant may refuse dependent care arranged by the CWD if he/she can arrange other care or show that the refusal will not interfere with participation.
- (f) Dependent care arranged by the CWD shall meet all applicable standards of state and local law including requirements for basic health and safety protection.

.84 Program Requirements**.841 Program Components**

In accordance with a federally approved state plan, CWDs shall provide any one or more of the following components. The following components shall be allowed to be provided for applicants or recipients:

63-407 WORK REGISTRATION REQUIREMENTS (Continued)**63-407**

(a) Job Club/Job Search

- (1) Job Club (job search workshop), which consists of group training sessions in job finding skills, job interviewing skills, understanding employer expectations and requirements, and in enhancing self-esteem, self-image, and confidence.
- (2) Supervised job search, which consists of an organized method of seeking work such as access to phone banks, job orders, and direct referrals to employers.
- (3) Unsupervised job search, which consists of independent efforts by a registrant to look for employment and follow up interviews by staff to determine the adequacy of the job search.

(b) Work Components

- (1) Workfare, which consists of a an unpaid training assignment with a public or private nonprofit agency that provides the registrant an opportunity to develop basic work habits or to practice existing skills.
 - (A) As part of the workfare component, the CWD may establish a job search period of up to 30 days prior to sending the registrant to a workfare site. This job search period may only be established at application or certification, not at recertification.
 - (B) Individuals assigned to workfare shall be provided the same benefits and working conditions provided to employees performing comparable work for comparable hours.
 - (C) A workfare assignment cannot result in the displacement of employed individuals or in the reduction of employment opportunities, such as substituting a workfare person in a vacant position.
- (2) OJT/Work Experience, which consists of an assignment to provide work experience or training or both to enable participants to move promptly into regular public or private employment. Such assignment shall:
 - (A) Be limited to projects that serve a useful public purpose in fields such as health, social services, environmental protection, etc.

63-407	WORK REGISTRATION REQUIREMENTS (Continued)	63-407
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- (B) Not replace a regular employee who is not participating in the FSET Program.
- (C) Provide the same benefits and working conditions that are provided at the job site to employees performing comparable work.
- (c) Education/Training
 - (1) Vocational training which consists of a project, program or experiment, such as supported work program, or a Job Training Partnership Act program (JTPA) or state or local program aimed at accomplishing the purpose of the FSET Program.
 - (2) Education programs designed to improve a participant's basic skills or employability. Education activities include, but are not limited to, high school or equivalency programs, remedial education programs designed to achieve a basic literacy level, and instruction in English-as-a-Second-Language.
 - (A) Educational components shall be approved only if they directly enhance the employability of FSET Program participants. A direct link between educational components and job readiness shall be established.

.842 County Administration

- (a) Counties shall submit a plan in accordance with guidelines specified by SDSS. Partial or total geographical exclusion may be requested if an FSET Program would be impracticable due to such factors as the availability of work opportunities and the cost-effectiveness of the requirements. Counties requesting geographical exclusion shall submit sufficient economic and demographic data to justify such exclusion.

County plan amendments shall be submitted to SDSS for approval 60 days prior to the effective date of any proposed changes.

- (b) The CWD shall be permitted to operate or contract with another organization to operate the FSET Program or any component.

63-407 WORK REGISTRATION REQUIREMENTS (Continued)**63-407**

- (c) Counties that operate their own programs shall be permitted to establish independent FSET components and/or use existing components of WIN/Demo or GAIN, or those offered under other programs such as Refugee Employment Services, or General Assistance. If existing components are used, the following conditions shall be met:
- (1) Participation and sanction requirements are consistent with Sections 63-407.85 and .86.
 - (2) The components are described in an approved county plan.
 - (3) Activities associated with the delivery of services to FSET participants are time studied and claimed to the FSET Program in accordance with applicable time study and claiming instructions issued by SDSS.

.843 Data Collection

The CWD shall collect data in accordance with CDSS statistical reporting requirements. (See Sections 26-010 and 26-020.) Those counties which are totally geographically excluded shall also collect the data described in Sections 63-407.843(a) and (g). The data shall include, but not be limited to the following:

- (a) Number of newly work registered individuals.
- (b) Number of work registrants deferred from participation, separated by reason for deferral.
- (c) Number of individuals granted geographical exemption.
- (d) Number of volunteers who begin participating, by component.
- (e) Number of mandatory participants who begin, by component.
- (f) Number of work registrants sent a notice of action informing them of the disqualification and applicants denied certification for failure to comply with the program requirements.
- (g) Number of work registrants during the October 1 through October 31 period on the October through December report.

63-407	WORK REGISTRATION REQUIREMENTS (Continued)	63-407
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.85 Participation Requirements

- .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.

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In a workfare or work experience component, the number of hours may be less if the household's benefit divided by the minimum wage is less than this amount.

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- .854 For a job search component as described in Section 63-407.841(a), 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. The 12-consecutive-month period shall be permitted to begin at any time following the close of the initial eight-week period.
- .855 Participation requirements in a work component, as described in Section 63-407.841(b), imposed collectively on members of a household each month shall be limited to the number of hours equal to the household's allotment for the month divided by the higher of the applicable state or federal minimum wage.
 - (a) Assignment at workfare may occur at food stamp application. When an applicant completes a workfare or work experience assignment during the 30-day application period and is otherwise eligible for food stamps, he/she must be issued benefits back to the date of application (the monthly food stamp allotment being compensation for the hours worked).
 - (1) When determining hours of participation for applicants assigned to workfare, counties shall either use the household's prospective allotment or a range of typical food stamp allotments.

63-407	WORK REGISTRATION REQUIREMENTS (Continued)	63-407
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- (2) The level of effort for persons assigned to workfare job search identified in Section 63-407.841(b)(1)(A) shall be comparable to spending at least 12 hours a month making job contacts.
- .856 The maximum hours of participation imposed on each individual shall not exceed 120 hours per month, including nonwork and work component hours, optional Food Stamp Workfare Program hours, and hours worked for compensation, in cash or in kind.
- .857 The hours of participation or work of a volunteer shall not exceed the hours required of FSET Program mandatory participants.
- .86 Failure to Comply
- .861 FSET participants who refuse or fail without good cause to comply with any of the requirements of that program, shall be subject to the provisions of Section 63-407.5.
- .862 Individuals who are disqualified for failure to comply with the requirements of the FSET Program shall be notified as specified in Sections 63-407.52 and .565.
- .863 Voluntary participants shall not be disqualified for failure to comply with FSET Program requirements.
- .87 Ending Disqualification
- Individuals who have been disqualified for noncompliance with the requirements of the FSET Program shall be permitted to establish or reestablish eligibility in accordance with Sections 63-407.61 or 62 following completion of the minimum sanction period identified in Section 63-407.53.
- .88 Determining Good Cause
- Good cause shall be determined in accordance with the provisions in Section 63-407.51.
- .89 Other Program Requirements
- If a benefit overissuance is discovered for a month or months in which a participant has already fulfilled a workfare or work component requirement, the following requirements shall apply.
- .891 If the person who performed the work is still subject to a work obligation, the CWD shall determine how many extra hours were worked because of the improper benefit. The participant shall be credited that number of hours toward future work obligations.

63-407	WORK REGISTRATION REQUIREMENTS (Continued)	63-407
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- .892 If the workfare or work component does not continue and the overissuance was the result of an intentional Program violation, the amount of the claim determined under Section 63-801.322 shall be for the entire amount of the overissuance and not adjusted for work participation.
- .893 If the workfare or work component requirement does not continue and the overissuance was the result of an inadvertent household or agency error, the CWD shall:
- (a) Determine whether the number of hours worked in workfare are more than the number which could have been assigned had the proper benefit level been used in calculating the number of hours to be worked.
 - (b) If the extra hours that were worked because of the improper benefit level equal the amount of hours calculated by dividing the overissuance by the higher of the State or federal minimum wage, no claim shall be established. No credit for future work requirements shall be given.
 - (c) If the extra hours worked times the higher of the State or federal minimum wage do not equal the amount of the overissuance, the amount of the claim established under Section 63-801.312 shall be adjusted to equal the amount of the overissuance not “worked off”.

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EXAMPLE

A household was incorrectly issued a benefit of \$150 in a month when \$100 would have been the proper benefit. The household, based on the \$150 allotment worked 35 hours [\$150 divided by the minimum wage--\$4.25]. Had the allotment been correctly calculated the household could have been assigned no more than 23 hours in that month. A claim would be established for the amount of the overissuance not “worked off” [e.g., any hours between 23 and 35 which were not “worked off”]. Since the household worked the entire 35 hours, no claim would be established. However, if the household has worked 30 hours, the minimum wage times five [the number of hours not “worked off”] or \$21.25, would have to be recovered.

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63-407	WORK REGISTRATION REQUIREMENTS (Continued)	63-407
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.9 Optional Food Stamp Employment Programs

- .91 In addition to the FSET Program, operated in accordance with Section 63-407.8, counties shall be permitted to operate the Food Stamp Workfare Program in accordance with the Requirements of Title 7 of the Code of Federal Regulations, Section 273.22.

NOTE: Authority cited: Sections 10553, 10554 and 18904, Welfare and Institutions Code. Reference: Sections 10554 and 18904, Welfare and Institutions Code; 7 CFR 273.1(d)(2); 7 CFR 273.7; 7 U.S.C. 2014(e); 7 U.S.C 2015(d) and (o); 7 CFR 2025(h); 7 U.S.C. 2029(a)(1) and (e); 7 U.S.C. 2035; Sections 4121(c) and (d) of the Food Stamp Reauthorization Act of 2002 (P.L. 107-171); U.S. Department of Labor guidance on FLSA, with attached U.S.D.A., Food and Nutrition Service (FNS) guidance on Simplified Food Stamp Program (SFSP), dated May 22, 1997; SFSP approval letters from FNS to implement the provisions of an SFSP, dated May 5, 2000 and August 3, 2000; FNS letters to CDSS dated August 27, 2001 and November 13, 2001 regarding compliance with the food stamp work registration requirements and resumption of food stamp benefits after a disqualification; and FNS policy interpretation dated September 16, 2003.

63-408	VOLUNTARY QUIT AND REDUCTION OF WORK EFFORT	63-408
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.1 General Rule

An individual is ineligible to participate in the Food Stamp Program if the individual either voluntarily quits a job, as described in Section 63-408.11 or reduces the number of hours worked as described in Section 63-408.12.

- .11 Voluntary quit means resigning a job that is 30 hours or more per week or provides weekly earnings at least equivalent to the federal minimum wage multiplied by 30 hours. If the voluntary quit occurs within 60 days to the date of application for food stamps without good cause in accordance with Section 63-408.4, the application shall be denied for one, three, or six months as specified in Section 63-407.53.

- .111 Changes in employment status that result from reducing hours of employment while working for the same employer, terminating a self-employment enterprise, or resigning from a job at the demand of the employer shall not be considered a voluntary quit for purposes of this section.

- .112 If an individual quits a job, secures new employment that consists at least of the same number of hours or the same salary and is then laid off or, through no fault of his/her own, loses the new job, the earlier quit will not form the basis of a disqualification.

63-408 VOLUNTARY QUIT AND REDUCTION OF WORK EFFORT (Continued) 63-408

.12 A reduction of work effort means voluntarily decreasing the number of hours worked in paid employment to less than 30 per week. If the reduction in hours worked occurs within 60 days of the date of application without good cause as defined in Section 63-408.4, the application shall be denied for one, three, or six months as specified in Section 63-407.53.

.121 If an individual reduces hours while working in a job of less than 30 hours per week, a food stamp disqualification shall not be imposed. The minimum wage equivalency does not apply when determining a reduction in work effort.

.2 Good Cause Determination, Notification, and Disqualifications

.21 Applicant Household

.211 When a household applies for food stamp benefits, the CWD shall determine if any unemployed household member who is not exempt from work registration in accordance with Section 63-407.3, has voluntarily quit a job or reduced work effort within 60 days prior to the date of application without good cause as specified in Sections 63-408.11, .12, and .121. The CWD shall process the application within the time frames specified in Section 63-301 and shall not delay benefits pending a voluntary quit or reduction of work effort good cause determination.

(a) When the CWD learns that a household has lost a source of earned income or has experienced a reduction in income after the date of application, but before the household is certified, the CWD shall determine whether a voluntary quit or a reduction of work effort has occurred.

.212 The CWD shall determine whether good cause exists in accordance with Section 63-408.4 upon determining an applicant voluntarily quit employment or reduced the number of hours being worked.

.213 If the CWD determines that a household member has voluntarily quit a job or reduced the number of hours being worked without good cause, the individual's food stamp application shall be denied for one, three, or six months in accordance with Section 63-407.531, .532, or .533. The first month of the disqualification period is the month in which the individual is determined ineligible. The individual is considered an ineligible household member in accordance with Section 63-402.228.

(a) The household shall be notified in writing of the reason for the denial, the individual's right to reapply at the end of the disqualification period, how to regain eligibility before the disqualification period begins, right to reapply if the individual becomes exempt in accordance with Section 63-408.3 during the disqualification period, and the right to request a state hearing.

63-408 VOLUNTARY QUIT AND REDUCTION OF WORK EFFORT (Continued) 63-408

.214 If a voluntary quit or reduction in work effort occurred prior to certification, but is not discovered by the CWD until after certification, a food stamp disqualification shall be imposed in accordance with the procedures specified in Section 63-408.22.

.22 Recipient Households

.221 When the CWD learns that a recipient household has lost a source of earned income or has experienced a reduction in income, the CWD shall determine whether an individual, who is a work registrant in the household, has voluntarily quit a job or reduced work effort below 30 hours per week. The CWD shall determine whether there was good cause for the voluntary quit or reduced hours as defined in Section 63-408.4. Benefits shall not be delayed pending good cause determination.

.222 Upon a determination that the voluntary quit or reduction of work effort was without good cause, the CWD shall issue a notice of adverse action informing the household of the disqualification being imposed on the noncompliant work registrant. The notice shall be issued within 10 days of making the determination. In addition to the requirements specified in Section 63-504.21, the notice shall:

- (a) Explain the reason for the proposed disqualification;
- (b) Specify that the disqualification period shall begin the first of the month following the month the registrant is provided a timely notice of action and shall continue for the period identified in Section 63-407.53.
 - (1) The notice shall inform the household member that if, at any time, he/she becomes exempt in accordance with Section 63-408.612 during a disqualification period, the disqualification shall end and he/she may reapply for food stamps.
- (c) Provide that the household member may reapply for food stamps after the disqualification period ends;
- (d) Explain the actions that may be taken to avoid or end a disqualification period; and
- (e) Inform the household member of the right to request a state hearing. If a state hearing is requested, food stamps shall be continued as specified in Section 63-804.6. If food stamp benefits are continued pending a state hearing and the CWD's determination is upheld, the disqualification period shall begin the first of the month after the hearing decision is rendered.

63-408 VOLUNTARY QUIT AND REDUCTION OF WORK EFFORT (Continued) 63-408

- .223 If it is determined an individual, who is a work registrant, has voluntarily quit a job or reduced work effort to less than 30 hours per week without good cause as specified in Section 63-408.4, the individual is ineligible for food stamps and shall be excluded as a household member in accordance with Section 63-402.228.
- .224 If the household member leaves the Food Stamp Program before the disqualification can be imposed, the period of ineligibility shall run continuously beginning with the first of the month after the expiration of the adverse notice period unless the disqualification is ended in accordance with Section 63-408.6.
- .225 If the voluntary quit or reduction of work effort occurred in the last month of a certification period or is determined in the last 30 days of the certification period, disqualification requirements at Section 63-408.22 shall apply. The period of disqualification begins the day after the last certification period ends and continues for the length of the disqualification regardless of whether the individual reapplies for food stamps.

.3 Exemptions from Voluntary Quit and Reduction of Work Effort Disqualifications

- .31 Individuals, who qualify for one of the work requirement exemptions at Section 63-407.21, shall be excused from the voluntary quit or reduction of work effort disqualification provision, and may regain food stamp eligibility by reapplying if otherwise eligible.

.4 Good Cause

The CWD shall be responsible for determining good cause in those instances where a work registrant has voluntarily quit a job or reduced work effort. The CWD shall consider the facts and circumstances, which includes information submitted by the individual and the employer.

- .41 Good cause for voluntary quitting a job or reducing work effort shall include:
 - (a) 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, the unavailability of transportation, or problems caused by inability of the registrant to speak or write English.
 - (b) Resigning from a job that does not meet the suitability criteria specified in Section 63-407.7.

63-408 VOLUNTARY QUIT AND REDUCTION OF WORK EFFORT (Continued) 63-408

- (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 individual of employment, or enrollment of at least half-time in any recognized school, training program or institution of higher education that requires the individual 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 in another county or state which requires the household to move and thereby requires the 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 30 hours or more a week, or in which the weekly earnings are equivalent to the federal minimum wage multiplied by 30 hours, or because of circumstances beyond the control of the individual, the job either does not materialize or result in employment of less than 30 hours a week, or weekly earnings of less than the federal minimum wage multiplied by 30 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. There may be some circumstances where registrants will apply for food stamp benefits between jobs particularly in cases where work may not yet be available at the new job site. Even though employment at the new site has not actually begun, the registrant shall be considered to have quit with good cause if the quitting of the previous employment is a part of the pattern of that type of employment.
- (j) Situations where there is a lack of adequate child care arrangements available for a registrant's children who have reached age six but are under twelve years of age. For purposes of this section, adequate child care arrangements means those which meet the standards in California Code of Regulations, Title 22, Division 12, Chapter 1 commencing with Section 101151, Chapter 2 commencing with Section 101251, and Chapter 3 commencing with Section 102351.1.

63-408 VOLUNTARY QUIT AND REDUCTION OF WORK EFFORT (Continued) 63-408

.42 The following shall not constitute good cause for leaving employment:

- (a) When a federal, state, or local government employee has been dismissed from the job because of his/her participation in the strike against the government entity involved.

.5 Verification

To the extent that good cause for voluntary quit or reduction of work effort is questionable, the CWD shall request verification of the registrant's statements in accordance with Section 63-300.5(g)(3)(C).

.6 Ending a Disqualification for Voluntary Quit or Reduction of Work Effort

.61 Following the end of the minimum disqualification period specified in Section 63-407.531, .532, or .533, eligibility for food stamps may be reestablished if the individual, who is otherwise eligible, applies and is determined by the CWD to be in compliance with the food stamp work registration requirements provided in Section 63-407.4. In compliance means the individual is fulfilling one of the food stamp work registration requirements or agrees to fulfill the requirements as specified by the CWD at application.

.62 If at any time during the period of disqualification an individual qualifies for one of the work registration exemptions listed at Section 63-407.21, the disqualification period shall end and the individual may reestablish food stamp eligibility by reapplying if otherwise eligible.

.63 When an application is filed in the final month of a food stamp disqualification period, the CWD must use the same application for both the denial of food stamp benefits in the remaining disqualification month and for certification of benefits for the subsequent month(s) as specified in Section 63-503.14, which provides the provisions for determining household eligibility and benefit levels.

.64 An individual who is also disqualified for not meeting the food stamp work requirements (e.g., not accepting a job offer) and is discontinued for failing to comply with 80 hours per month ABAWD work requirement, may regain food stamp eligibility if after the disqualification period has ended, he/she complies with the requirements of Section 63-410.5 or becomes exempt under Section 63-410.3 during the disqualification period.

NOTE: Authority cited: Sections 10554 and 18904, Welfare and Institutions Code. Reference: Sections 10554 and 18904, Welfare and Institutions Code; California Code of Regulations, Title 22, Division 12, Chapter 1 commencing with Section 101151, Chapter 2 commencing with Section 101251, and Chapter 3 commencing with Section 102351.1; 7 U.S.C. 2015(d)(1) and (o); 7 CFR 273.2(g); 7 CFR 273.7(b), (f), (i), and (j); Food and Nutrition Service (FNS) letter to CDSS dated November 13, 2001 regarding resumption of food stamp benefits after a disqualification; and FNS policy interpretation dated September 16, 2003.

63-409 INCOME AND RESOURCE MAXIMUMS**63-409****.1 Requirements for Participation**

Except for categorically eligible households, as specified in Sections 63-301.6, .7, and .82, only those households with income and resources which do not exceed the maximum income and resource eligibility standards shall be eligible to participate in the Food Stamp Program. The maximum income and resource eligibility standards are promulgated and updated by the USDA, and contained in tables reproduced in Handbook Section 63-1101.

.11 Maximum Income Eligibility Standards

CWDs shall implement the updated maximum income eligibility standards upon their effective date(s). Refer to Handbook Section 63-1101 for the most recent maximum eligibility income standards and their effective date(s).

.111 Maximum Gross Income and Net Income Eligibility Standards

The CWD shall determine the eligibility of all households, except as specified in Sections 63-409.112, and 63-301.7, based first on the maximum gross income. If the household is not eligible under this test the application shall be denied. If the household is gross income eligible then the net income eligibility standards reproduced in Handbook Section 63-1101 shall be applied and appropriate denial or approval shall be made. These eligibility determinations shall be made in accordance with Section 63-503.321.

.112 Maximum Net Income Eligibility Standards

The CWD shall determine the eligibility of households with a member who is elderly or disabled [as define in Section 63-102(e)] based on the maximum net income eligibility standards reproduced in Handbook Section 63-1101. These standards shall apply if a household contains a member who is 59 years old on the date of application but who will become 60 before the end of the month of application. This eligibility determination shall be made in accordance with Sections 63-503.322 or .323, as appropriate.

.12 Maximum Resource Eligibility Standards

Except for categorically eligible households, the CWD shall deny participation in the Food Stamp Program to any household whose nonexempt resources determined in accordance with Section 63-501, exceed the appropriate maximum resource eligibility standards specified in federal regulations 7 CFR 273.8(b), and reproduced in Handbook Sections 63-1101.11 and .12.

63-409 INCOME AND RESOURCE MAXIMUMS (Continued) 63-409

- .121 For all households, except as provided in Section 63-409.122, the resource limit shall be the amount specified in Handbook Section 63-1101.12.
- .122 For any household which includes at least one elderly or disabled member, the resource limit shall be the amount specified in Handbook Section 63-1101.11.

NOTE: Authority cited: Sections 10554 and 18904, Welfare and Institutions Code. Reference: 7 CFR 273.2(j)(4); and Section 4107, Food Stamp Reauthorization Act of 2002, P.L. 170-171 [7USC 2014(g)].

63-410 FOOD STAMP WORK REQUIREMENT FOR ABLE-BODIED ADULTS WITHOUT DEPENDENTS (ABAWD) 63-410

An individual not exempt under Section 63-410.3 shall be ineligible for food stamps if, during the 36-month period identified in Section 63-410.1, the individual received food stamps for three months or more without satisfying the participation requirements or exemption criteria of Section 63-410.2 or .3, respectively. The 36-month period referred to in this section does not include any period prior to November 22, 1996. Months in which food stamps are received for only part of the month shall be counted when determining whether the eligibility requirement contained in this section has been met. Counties shall provide written information at application and recertification which outlines the requirements contained in Section 63-410.

- .1 36-month Period Defined; Tracking ABAWD Compliance
 - .11 The 36-month period identified in Section 63-410 begins November 22, 1996 for all food stamp recipients who are subject to the ABAWD work requirement on that date and such persons' compliance with this requirement shall begin on December 1, 1996. For all other food stamp applicants and recipients, the 36-month period begins on the first day of the first full calendar month such persons become subject to the ABAWD work requirement.
 - .12 The period identified in Section 63-410.11 is a fixed period which continues uninterrupted for 36 months regardless of the number of times an individual becomes exempt in accordance with Section 63-410.3 or leaves the Food Stamp Program and subsequently reapplies.
 - .13 A county is not required to begin tracking an individual's food stamp eligibility based on compliance with, or exemption from, the ABAWD work requirement until the first month of the 36-month period identified in Section 63-410.11.
 - .14 Each month the CWD is required to update the appropriate screen in the Medi-Cal Eligibility Data System (MEDS) to indicate an individual's work or exemption status. The update shall be done after the month's food stamp issuance and before the next month's food stamp issuance.

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ADULTS WITHOUT DEPENDENTS (ABAWD) (Continued)**

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Example - An individual applies for food stamps for the first time in March 1997 and is determined exempt from the ABAWD work requirement. The individual's exemption ends during December 1997 and he becomes subject to the ABAWD work requirement as of January 1, 1998. The county would track the individual's ABAWD compliance or exemption status for all months food stamps are received during the 36-month period which began January 1, 1998 and ends December 31, 2000.

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.2 Satisfying the ABAWD Work Requirement

.21 The ABAWD work requirement is fulfilled by performing one of the following:

.211 Working 20 hours or more per week (averaged monthly);

- (a) The food stamp recipient shall submit documentation verifying the number of hours worked.

Section 63-410.211(a)(1)(QR) shall become operative in a county on the date QR/PB becomes effective in that county, pursuant to the Director's QR/PB Declaration.

- (QR) (1) A food stamp recipient who is satisfying the ABAWD work requirement through employment must report within 10 days when hours of work drop to below 20 hours per week or 80 hours per month. This mandatory recipient mid-quarter reporting requirement does not apply to persons who meet one of the exemptions at Section 63-410.3 or live in a county with an approved ABAWD waiver. Persons who are satisfying the ABAWD work requirement through a combination of education/training and employment of less than 20 hours per week are not subject to the mid-quarter requirement when hours of employment are reduced.
- (b) Hours worked for in-kind income shall count toward the 20-hour weekly minimum if the food stamp recipient provides documentation, such as pay stubs, verifying that the in-kind income being reported was an actual benefit received from the employer.

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- .212 Participating in a workfare program as defined in Section 20 of the Food Stamp Act (7 U.S.C. 2029) or in a comparable program. This includes workfare job search identified in Section 63-407.841(b)(1)(A); or
- .213 Participating in an allowable “work program” for 20 hours or more per week (averaged monthly). For purposes of this section, an allowable work program means one of the following:
 - (a) A program under the Job Training Partnership Act;
 - (b) A program under Section 236 of the Trade Act of 1974 (19 U.S.C. 2296); or
 - (c) A program of employment and training approved by a state agency, including the Food Stamp Employment and Training (FSET) program described in Section 63-407.8, and refugee employability services identified in 45 CFR 400.154.
 - (1) Hours spent in job search or job search training activities identified in Section 63-407.841(a) shall not count toward completion of the ABAWD work requirement.

.22 Good Cause

- .221 If an individual works an average of 80 hours per month but missed some scheduled work for a circumstance beyond his/her control and the absence is temporary and the individual retains his/her job, the individual shall have met the ABAWD work requirement for the month. As defined in Section 63-407.5, good cause for circumstances beyond the individual’s control includes, but is not limited to, illness, illness of another household member requiring the presence of the ABAWD, a household emergency, or the unavailability of transportation.
- .222 An individual satisfying the ABAWD work requirement through FSET, who missed scheduled work in a month for a circumstance beyond his/her control provided in Section 63-410.221, shall have met the ABAWD work requirement and complied with the FSET assignment for that month.

.3 Exemptions

The following individuals are exempt from the ABAWD work requirement:

- .31 Persons exempt from the work registration requirements as specified in Section 63-407.21;

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- .32 An individual who is:
 - .321 Under 18 or 50 years of age or over;
 - .322 Pregnant; or
 - .323 Any adult living in a household that contains a dependent child.
- .33 Persons living in any portion of the state which has received Federal approval to waive application of the ABAWD work requirement shall also be considered exempt from the requirements of Section 63-410.
- .34 Individuals who qualify for the 15 percent ABAWD exemption determined by the CWD. The number of individuals, who can be exempted by a CWD each year under this section, and the duration of these exemptions, are limited to the number of ABAWD exemption months allocated each year by CDSS to each CWD.
- .35 Those months during which an individual is exempt for all or part of the month, in accordance with Section 63-410.3, shall not be considered in determining whether the participation requirement identified in Section 63-410 has been satisfied.
- .36 Persons who become exempt after having lost eligibility in accordance with Section 63-410.4 or .522 are not subject to the ABAWD work requirement while exempt and may resume receiving food stamps by reapplying if otherwise eligible.

| (QR) .37 Repealed by Manual Letter No. FS-06-03 effective 8/19/06.

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.4 Loss of Eligibility

.41 When the CWD determines that an individual has failed to meet the ABAWD work requirement for three countable months during the 36-month period identified in Section 63-410.1, the CWD shall issue a timely notice in the third month to discontinue the individual's food stamp benefits. In addition to the timely and adequate requirements specified in Section 63-504.21, the notice shall:

.411 Identify the reason the individual's food stamps are being discontinued;

.412 List those months for which the CWD has determined that the ABAWD work requirement was not satisfied;

.413 Provide that for any of the three countable months identified in Section 63-410.412 evidence may be presented that demonstrates the individual met or was exempt from the ABAWD work requirement, or that good cause existed in accordance with Section 63-410.221; and

.414 Specify how the individual may regain eligibility in accordance with Section 63-410.5.

.42 If the ABAWD provides evidence that demonstrates he/she should not lose food stamp eligibility, the CWD shall rescind the notice and restore any benefits that were inappropriately withheld.

.43 The period of ineligibility shall begin with the first full month following expiration of the adverse notice period, unless a state hearing is requested. If a state hearing is requested, benefits shall continue in accordance with Section 63-804.6.

.431 Each individual has a right to a state hearing to appeal a termination or reduction of benefits due to a determination of nonexempt status, or a determination of failure to satisfy the ABAWD work requirement.

.44 Determinations of ineligibility shall be made when the CWD becomes aware that a nonexempt recipient has failed to meet the requirements of Section 63-410.

.45 Repealed by Manual Letter No. FS-97-05, effective 11/16/97

.5 Regaining Eligibility

.51 An individual denied eligibility for failing to satisfy the ABAWD work requirement may regain eligibility if, during a 30-day period, the individual performs one of the following:

.511 Works for 80 or more hours;

.512 Participates in a workfare assignment.

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- (a) when an applicant regains eligibility by completing a workfare assignment during the 30-day application period, benefits shall be issued back to the date of application; or

- .513 Participates in an allowable work program as defined in Section 63-410.213 for at least 80 hours.

- .52 When, during the 36-month calendar period identified in Section 63-410.1, an individual stops performing the ABAWD work requirement after regaining eligibility in accordance with Section 63-410.51, the individual shall remain eligible for food stamps for a period of three consecutive countable months, beginning on the first month following the date the individual notifies the CWD or the CWD learns that the individual is not satisfying the ABAWD work requirement. The CWD shall provide a 10-day notice informing the individual of his/her change in status. If the individual has been meeting the ABAWD work requirement by participating in county workfare or another allowable work activity as specified in Section 63-410.213, the three consecutive countable months shall start the first month following the date the CWD notifies the individual that he/she is no longer meeting the ABAWD work requirement.

- .521 The three-month period of eligibility identified in Section 63-410.52 is available to an individual only once during a 36-month period. Upon completion of this three-month period, an individual is ineligible for food stamps for the remainder of the 36-month period, unless he/she becomes exempt or satisfies the ABAWD work requirement for each month food stamps are requested.

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Example - A nonexempt individual fails to comply with the 20-hour work requirement during months two, three and four of the 36-month period and so is ineligible for food stamps. In month seven, the client obtains employment and works more than 80 hours during that month. At the beginning of month eight, the client loses the job. The client can receive food stamps for months eight, nine, and ten, regardless of whether the ABAWD work requirement is satisfied. Beginning with month eleven and for the remaining months of the 36-month period, the client can only receive food stamps for those months during which he is exempt from or in compliance with the ABAWD work requirement.

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- .522 When an individual fails to satisfy the ABAWD work requirement after completion of the three-month period identified in Section 63-410.52, requirements at Section 63-410.4 shall apply. However, the notice required by Section 63-410.41 shall specify that the individual can only receive food stamps if one of the conditions identified in Section 63-410.521 is met.

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.523 Repealed by Manual Letter No. FS-04-02, effective 1/16/04.

.53 Notwithstanding any other provision of this section, when an individual fails without good cause to comply with an ABAWD work requirement and the noncompliance is a sanctionable action under Section 63-407 or Section 63-408, the individual may not reestablish eligibility until the minimum sanction period identified in Section 63-407.53 is completed.

.6 Section 63-410.6(QR) shall become operative in a county on the date QR/PB becomes effective in that county, pursuant to the Director's QR/PB Declaration.

(QR) Treatment of ABAWD Months for Quarterly Reporting

(QR) .61 A county shall take a county-initiated mid-quarter action to discontinue a case whenever an ABAWD uses up three out of 36 months. A county-initiated action shall also be taken when an ABAWD's three consecutive-month period identified in Section 63-410.52 is completed and to an ABAWD who has regained eligibility and subsequently stops meeting the work requirement.

NOTE: Authority cited: Sections 10553, 10554, 11265.1, .2, and .3, 18904, and 18910, Welfare and Institutions Code. Reference: Sections 10554, 11265.1, .2, and .3, 18904, and 18910, Welfare and Institutions Code; 7 U.S.C. 2015(d) and (o); instructions received from Dennis Stewart, Regional Director of the Food Stamp Program, Food and Nutrition Service (FNS) dated April 21, 1998, 7 CFR 273.7(f); 7 CFR 273.13; 7 CFR 273.24(b), (c), (e), and (g); 45 CFR 400.154; FNS policy interpretation dated September 16, 2003; FNS letter dated July 25, 2003; and Food and Nutrition Service Quarterly Reporting/Prospective Budgeting waiver dated April 1, 2003.

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As a condition of eligibility, CFAP recipients who are not exempt must participate as follows:

.1 CFAP recipients who are also CalWORKs recipients must comply with Welfare-to-Work (WTW) requirements contained in MPP Chapter 42-700.

.11 All WTW exemptions at Section 42-712 apply to CFAP recipients identified in Section 63-411.1.

.12 Repealed by CDSS Manual Letter No. FS-00-03, effective 3/2/00.

.121 Repealed by CDSS Manual Letter No. FS-00-03, effective 3/2/00.

(a) Repealed by CDSS Manual Letter No. FS-00-03, effective 3/2/00.

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(Continued)

- .2 CFAP recipients who do not receive CalWORKs must satisfy the Able-Bodied Adult Without Dependents (ABAWD) work requirement defined at Section 63-410.
 - .21 Exemptions at Section 63-410.3 apply to ABAWD CFAP recipients.
 - .22 Effective April 1, 2003, if an ABAWD CFAP recipient begins receiving federal food stamps after reaching his/her five-year residency requirement, CWDs must establish a new 36-month period in accordance with Section 63-410.1 and begin tracking the 36-month calendar on the Medi-Cal Eligibility Data System (MEDS) as specified in Section 63-410.14.
 - .221 Repealed by CDSS Manual Letter No. FS-00-03, effective 3/2/00.
 - .222 Repealed by CDSS Manual Letter No. FS-00-03, effective 3/2/00.
 - .223 Repealed by CDSS Manual Letter No. FS-00-03, effective 3/2/00.
 - .224 Repealed by CDSS Manual Letter No. FS-00-03, effective 3/2/00.
 - .23 Repealed by CDSS Manual Letter No. FS-00-03, effective 3/2/00.
- .3 Food stamp work registration requirements at Section 63-407 and voluntary quit and reduction of work effort requirements at Section 63-408 apply to CFAP recipients who do not receive CalWORKs.
 - .31 Repealed by CDSS Manual Letter No. FS-00-03, effective 3/2/00.
 - .32 Repealed by CDSS Manual Letter No. FS-00-03, effective 3/2/00.
 - .33 Repealed by CDSS Manual Letter No. FS-00-03, effective 3/2/00.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Section 18930.5 (as added by AB 2779, Statutes of 1998, Section 35); Article 3.2 of Chapter 2 of Part 3 of Division 9, Welfare and Institutions Code; AB 1111, Chapter 147, Statutes of 1997 CFR 273.7; 8 U.S.C. 1612(a)(2); Section 4401(c) of the Food Stamp Reauthorization Act of 2002 (P.L. 107-171); and Administrative Notice 03-04, dated October 21, 2002.