

Senate Bill No. 43

CHAPTER 507

An act to add Section 18926.5 to the Welfare and Institutions Code, relating to public social services.

[Approved by Governor October 5, 2011. Filed with
Secretary of State October 6, 2011.]

LEGISLATIVE COUNSEL'S DIGEST

SB 43, Liu. CalFresh Employment and Training program.

Existing federal law provides for the federal Supplemental Nutrition Assistance Program (SNAP), known in California as CalFresh (formerly the Food Stamp Program), under which nutrition assistance benefits formerly referred to as food stamps, allocated to the state by the federal government, are distributed to eligible individuals by each county. Existing federal law requires all SNAP recipients, unless otherwise exempt, between 15 to 60 years of age, inclusive, who are physically and mentally fit, to register for employment and participate in the Food Stamp Employment and Training (FSET) program.

This bill would require a county that elects to participate in the FSET program, which the bill would designate as the CalFresh Employment and Training program (CalFresh E&T), to screen CalFresh work registrants to determine whether they will participate in, or be deferred from, the CalFresh E&T program, and would describe the criteria for deferral. The bill would authorize a CalFresh work registrant who is deferred from mandatory participation in the CalFresh E&T program to request to enroll in the program as a voluntary participant.

This bill would require a county that elects to participate in the CalFresh E&T program to demonstrate in its CalFresh E&T plan how it is effectively using CalFresh E&T funds, as specified. The bill would further require that none of its provisions be construed to require a county to offer a particular component as part of its CalFresh E&T plan. The bill would provide that a CalFresh E&T participant is not an employee for the purposes of workers' compensation and would provide that it would not require a county to provide workers' compensation coverage for a CalFresh E&T participant. This bill would require the department to adopt implementing regulations by October 1, 2013.

The people of the State of California do enact as follows:

SECTION 1. It is the intent of the Legislature in enacting this act to increase meaningful opportunities for employment and training in the

CalFresh Employment and Training (CalFresh E&T) program and assist CalFresh recipients in meeting the work requirements of the CalFresh program.

SEC. 2. Section 18926.5 is added to the Welfare and Institutions Code, to read:

18926.5. (a) For the purposes of this chapter, “CalFresh Employment and Training program” or “CalFresh E&T” means the program established under Section 6(d)(4)(B) of the federal Food and Nutrition Act of 2008 (7 U.S.C. Sec. 2015), Section 273.7 of Title 7 of the Code of Federal Regulations, and associated administrative notices published by the United States Department of Agriculture with the purpose of assisting members of CalFresh households in gaining skills, training, work, or experience that will increase their ability to obtain regular employment.

(b) (1) A county that elects to participate in the CalFresh Employment and Training (CalFresh E&T) program, as authorized by the federal Food and Nutrition Act of 2008 (7 U.S.C. Sec. 2015), shall screen CalFresh work registrants to determine whether they will participate in, or be deferred from, the CalFresh E&T program. If deferred, a CalFresh work registrant may request to enroll in the CalFresh E&T program as a voluntary participant. An individual shall be deferred from a mandatory placement in the CalFresh E&T program if he or she satisfies any of the criteria in Sections 273.7 and 273.24 of Title 7 of the Code of Federal Regulations, or if he or she resides in a federally determined work surplus area.

(2) For purposes of this section, “deferred” has the same meaning as exempt.

(c) (1) A county that elects to participate in the CalFresh E&T program shall be required to demonstrate in its CalFresh E&T plan how it is effectively using CalFresh E&T funds for each of the components that the county offers, including, but not limited to, any of the following:

(A) Self-initiated workfare.

(B) Work experience or training.

(C) Education.

(D) Job search.

(E) The support services or client reimbursements needed to participate in subparagraphs (A) to (D), inclusive, as allowed by federal law and guidance.

(2) Nothing in this section shall be construed to require a county to offer a particular component as a part of its CalFresh E&T plan.

(d) Nothing in this section shall limit a county’s ability to condition the receipt of nonmedical benefits under Section 17000 on an individual’s participation in an employment and training or workfare program of the county’s choice, even if that program is financed in whole or part with CalFresh E&T funds or match funds.

(e) Nothing in this section shall restrict the use of federal funds for the financing of CalFresh E&T programs.

(f) Nothing in this section shall be construed to require a county to provide for workers’ compensation coverage for a CalFresh E&T participant.

Notwithstanding Division 4 (commencing with Section 3200) of the Labor Code, a CalFresh E&T participant shall not be an employee for the purposes of workers' compensation coverage and a county shall have no duty to provide workers' compensation coverage for a CalFresh E&T participant.

(g) Notwithstanding the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code), the department may implement this section by all-county letters or similar instructions. Thereafter, the department shall adopt regulations to implement this section by October 1, 2013.