

ASSEMBLY BILL

No. 743

Introduced by Assembly Member Eggman

February 25, 2015

An act to amend Sections 11250.8, 11322.87, 11325.22, 11325.23, and 11327.4 of the Welfare and Institutions Code, relating to CalWORKs.

LEGISLATIVE COUNSEL'S DIGEST

AB 743, as introduced, Eggman. CalWORKs: eligibility: work activities.

Existing law establishes the California Work Opportunity and Responsibility to Kids (CalWORKs) program, under which each county provides cash assistance and other benefits to qualified low-income families using federal, state, and county funds. Existing law imposes limits on the amount of income and personal and real property an individual or family may possess in order to be eligible for CalWORKs aid.

This bill would exempt from consideration as income, for purposes of determining eligibility or available income, education, training, vocation, or rehabilitation benefits provided through the United States Department of Veterans Affairs for active duty personnel, veterans, and dependents, or spouses of those who died in the line of duty or have a service connected disability. By expanding eligibility for CalWORKs, which is administered by counties, this bill would impose a state-mandated local program.

Existing law requires a recipient of CalWORKs to participate in welfare-to-work activities as a condition of eligibility. Under existing law, a person may meet his or her welfare-to-work requirements by

taking part in a self-initiated education or training program if he or she is making satisfactory progress in that program, the county determines that continuing in the program is likely to lead to self-supporting employment for that recipient, and the welfare-to-work plan reflects that determination. Existing law requires the county and local educational agencies to annually agree to a list of educational programs that lead to employment.

Existing law limits the time period in which a participant may engage in certain educational activities, in satisfaction of welfare-to-work requirements, to 24 cumulative months during a participant's lifetime, and requires the participant to engage in federally defined work activities after that period expires. Existing law requires that necessary supportive services be available to every participant in order to participate in the program activity to which he or she is assigned.

This bill would exempt a person who is participating in a self-initiated program from the requirement that the person participate in job search activities or enter into a welfare-to-work plan. The bill would also exempt these persons from the 24-month time limitation described above and would make related, conforming changes. The bill would authorize study time, as defined by the educational institution, to be counted toward the participant's minimum work participation hours requirements. The bill would require that supportive services be provided to a person participating in a self-initiated program until an assessment has been completed, if an assessment is found to be necessary. The bill would require that childcare supportive services be continued during a period in which a participant's hours of participation in educational or vocational training are reduced due to a break in instruction at the institution lasting no more than 6 weeks, if the person is eligible to continue in the educational or vocational program following the break in instruction. The bill would also require the county to annually approve a list of programs identified by the county or local educational agencies or providers as leading to employment. By imposing these duties on counties, this bill would impose a state-mandated local program.

Existing law continuously appropriates moneys from the General Fund to defray a portion of county costs under the CalWORKs program.

This bill would instead provide that the continuous appropriation would not be made for purposes of implementing the bill.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

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

1 SECTION 1. This act shall be known, and may be cited, as the
2 CalWORKs Self-Sufficiency through Education and GI Bill
3 Exemption Act of 2015.

4 SEC. 2. Section 11250.8 of the Welfare and Institutions Code
5 is amended to read:

6 11250.8. (a) If an applicant for, or recipient of, benefits
7 pursuant to this chapter receives one or more educational loans or
8 grants, for purposes of determining availability of income, that
9 person's educational expenses shall not be applied to any
10 educational loans or grants ~~which~~, that, under federal or state law,
11 are totally exempt from consideration as income for purposes of
12 determining eligibility for benefits under this chapter.

13 (b) *Education, training, vocation, or rehabilitation benefits,*
14 *and related allowances provided through the United States*
15 *Department of Veterans Affairs for active duty personnel, veterans,*
16 *and dependents, or spouses of those who died in the line of duty*
17 *or have a service connected disability, shall be totally exempt from*
18 *consideration as income for purposes of determining eligibility or*
19 *available income for purposes of this chapter.*

20 SEC. 3. Section 11322.87 of the Welfare and Institutions Code
21 is amended to read:

22 11322.87. (a) A recipient subject to the 24-month time
23 limitation described in Section 11322.85 may request an extension
24 in accordance with Section 11322.86 and may present evidence
25 to the county that he or she meets any of the following
26 circumstances:

27 (1) The recipient is likely to obtain employment within six
28 months.

29 (2) The recipient has encountered unique labor market barriers
30 temporarily preventing employment, and therefore needs additional
31 time to obtain employment.

1 (3) The recipient has achieved satisfactory progress in an
2 educational or treatment program, including adult basic education,
3 *education or* vocational education, ~~or a self-initiated program~~ that
4 has a known graduation, transfer, or completion date that would
5 meaningfully increase the likelihood of his or her employment.

6 (4) The recipient needs an additional period of time to complete
7 a welfare-to-work activity specified in his or her welfare-to-work
8 case plan due to a diagnosed learning or other disability, so as to
9 meaningfully increase the likelihood of his or her employment.

10 (5) The recipient has submitted an application to receive SSI
11 disability benefits, and a hearing date has been established.

12 (6) Other circumstances as determined by the department.

13 (b) (1) Except for an extension requested in accordance with
14 paragraph (5) of subdivision (a), and subject to the limitation
15 described in paragraph (2) of subdivision (a) of Section 11322.86,
16 a county shall grant an extension to a recipient who presents
17 evidence in accordance with subdivision (a) unless the county
18 determines that the evidence presented does not support the
19 existence of the circumstances described in subdivision (a).

20 (2) An extension requested in accordance with paragraph (5)
21 of subdivision (a) shall be granted if evidence that a hearing date
22 has been established is provided to the county.

23 (3) At any hearing disputing a county’s denial of an extension
24 in accordance with paragraph (1), the county shall have the burden
25 of proof to establish that an extension was not justified unless the
26 county demonstrates that the denial was due to the unavailability
27 of an extension in accordance with the 20-percent limitation
28 described in paragraph (2) of subdivision (a) of Section 11322.86.

29 (c) If, as a result of information already available to a county,
30 including the recipient’s welfare-to-work plan and verifications
31 of participation, the county identifies that a recipient meets a
32 circumstance described in subdivision (a), and subject to the
33 limitation described in paragraph (2) of subdivision (a) of Section
34 11322.86, a county may grant an extension of the 24-month time
35 limitation described in paragraph (1) of subdivision (a) of Section
36 11322.85 to the recipient.

37 (d) An extension granted in accordance with subdivision (b) or
38 (c) shall be granted for an initial period of up to six months and
39 shall be reevaluated by the county at least every six months.

40 ~~(e) This section shall become operative on January 1, 2013.~~

1 SEC. 4. Section 11325.22 of the Welfare and Institutions Code
2 is amended to read:

3 11325.22. (a) (1) Following the appraisal required by Section
4 11325.2, all participants except those described in paragraph (4)
5 of this subdivision ~~or~~, those who are participating in other activities
6 or assessment pursuant to Section 11320.1, *or those who are*
7 *participating in a self-initiated program pursuant to Section*
8 *11325.23*, shall be assigned to participate for a period of up to four
9 consecutive weeks in job search activities. These activities may
10 include the use of job clubs to identify the participant's
11 qualifications. The county shall consider the skills and interests
12 of the participants in developing a job search strategy. The period
13 of job search activities may be shortened if the participant and the
14 county agree that further activities would not be beneficial. Job
15 search activities may be shortened for a recipient if the county
16 determines that the recipient will not benefit because he or she
17 may suffer from an emotional or mental disability that will limit
18 or preclude the recipient's participation under this article.

19 (2) Nothing in this section shall require participation in job
20 search activities, the schedule for which interferes with
21 unsubsidized employment or participation pursuant to Section
22 11325.23.

23 (3) Job search activities may be required in excess of the limits
24 specified in paragraph (1) on the basis of a review by the county
25 of the recipient's performance during job search to determine
26 whether extending the job search period would result in
27 unsubsidized employment.

28 (4) A person subject to Article 3.5 (commencing with Section
29 11331) or subdivision (d) of Section 11320.3 shall not be required,
30 but may be permitted, to participate in job search activities as his
31 or her first program assignment following appraisal upon earning
32 a high school diploma or its equivalent, if she or he has not already
33 taken the option to complete these activities as the first program
34 assignment following appraisal.

35 (b) (1) Upon the completion of job search activities, or a
36 determination that those activities are not required, the participant
37 shall be assigned to one or more of the activities described in
38 Section 11322.6 as needed to attain employment.

39 (2) (A) The assignment to one or more of the program activities
40 as required in paragraph (1) of this subdivision shall be based on

1 the welfare-to-work plan developed pursuant to an assessment as
2 described in Section 11325.4. The plan shall be based, at a
3 minimum, on consideration of the individual's existing education
4 level, employment experience and relevant employment skills,
5 available program resources, and local labor market opportunities.

6 (B) An assessment pursuant to Section 11325.4 shall be
7 performed upon completion of job search activities or at such time
8 as it is determined that job search will not be beneficial.

9 (C) Notwithstanding subparagraphs (A) and (B), an assessment
10 shall not be required to develop a welfare-to-work plan for a person
11 who is participating in an approved self-initiated program pursuant
12 to Section 11325.23 unless the county determines that an
13 assessment is necessary to meet the hours specified in Section
14 11325.23. *If an assessment is determined to be necessary, the*
15 *county shall schedule the assessment at a time that does not*
16 *interfere in any way with the person's self-initiated program,*
17 *employment, or childcare obligations, and the person shall*
18 *continue to receive supportive services until this assessment has*
19 *been completed.*

20 (3) A participant who lacks basic literacy or mathematics skills,
21 a high school diploma or general educational development
22 certificate, or English language skills, shall be assigned to
23 participate in adult basic education as described in subdivision (k)
24 of Section 11322.6, as appropriate and necessary for removal of
25 the individual's barriers to employment.

26 (4) Participation in activities assigned pursuant to this section
27 may be sequential or concurrent. The county may require
28 concurrent participation in the assigned activities if it is appropriate
29 to the participant's abilities, consistent with the participant's
30 welfare-to-work plan, and the activities can be concurrently
31 scheduled.

32 (5) The participant has 30 days from the beginning of the initial
33 training or education assignment in which to request a change or
34 reassignment to another component. The county shall grant the
35 participant's request for reassignment if another assignment is
36 available that is consistent with the participant's welfare-to-work
37 plan and the county determines the other assignment will readily
38 lead to employment. This grace period shall be available only once
39 to each participant.

1 (c) Any assignment or change in assignment to a program
2 activity pursuant to this section shall be included in the
3 welfare-to-work plan, or an amendment to the plan, as required in
4 Section 11325.21.

5 (d) A participant who has not obtained unsubsidized employment
6 upon completion of the activities in a welfare-to-work plan
7 developed pursuant to the job search activities required by
8 subdivision (a) and an assessment required by subdivision (b) shall
9 be referred to reappraisal as described in Section 11326.

10 (e) The criteria for successful completion of an assigned
11 education or training activity shall include regular attendance,
12 satisfactory progress, *as defined by the institution*, and completion
13 of the assignment. A person who fails or refuses to comply with
14 program requirements for participation in the activities assigned
15 pursuant to this section shall be subject to Sections 11327.4 and
16 11327.5.

17 (f) Except as provided in paragraph (4) of subdivision (a), this
18 section shall not apply to individuals subject to Article 3.5
19 (commencing with Section 11331) during the time that article is
20 operative.

21 ~~(g) This section shall become operative on January 1, 2014.~~

22 SEC. 5. Section 11325.23 of the Welfare and Institutions Code
23 is amended to read:

24 11325.23. (a) ~~(1) Except as provided in paragraph (2), any~~
25 ~~student who, at the time he or she~~ *a person who* is required to, *or*
26 *volunteers to*, participate under this article ~~pursuant to Section~~
27 ~~11320.3, and who~~ is enrolled in any undergraduate degree or
28 certificate program that leads to employment may continue in that
29 program if he or she is making satisfactory progress in that
30 program, *as defined by the educational institution, and the county*
31 *determines that continuing in the program is likely to lead to*
32 *self-supporting employment for that recipient, and the*
33 ~~welfare-to-work plan reflects that determination.~~ *person.*

34 (1) *A person enrolled in a postsecondary school pursuant to*
35 *this section shall be exempt from the job club and job search*
36 *requirements of Section 11325.22.*

37 (2) Any individual who possesses a baccalaureate degree shall
38 not be eligible to participate under this section unless the individual
39 is pursuing a California regular classroom teaching credential in

1 a college or university with an approved teacher credential
2 preparation program.

3 (3) (A) Subject to the limitation provided in subdivision (f), a
4 program shall be determined to lead to employment if it is on a
5 list of programs that the county welfare department ~~and or~~ local
6 education agencies ~~or providers agree lead~~ *agency or provider has*
7 *identified as leading* to employment. The list shall be ~~agreed to~~
8 *approved by the county* annually, with the first list completed no
9 later than January 31, 1998. By January 1, 2000, all educational
10 providers shall report data regarding programs on the list for the
11 purposes of the report card established under Section 15037.1 of
12 the Unemployment Insurance Code for the programs to remain on
13 the list.

14 (B) For students not in a program on the list prepared under
15 subparagraph (A), the county shall determine if the program leads
16 to employment. The recipient shall be allowed to continue in the
17 program if the recipient demonstrates to the county that the
18 program will lead to self-supporting employment for that recipient
19 and the documentation is included in the welfare-to-work plan.

20 (C) If participation in educational or vocational training, as
21 determined by the number of hours required for classroom,
22 laboratory, ~~or~~ internship activities, *or study time, as defined by the*
23 *educational institution the person is attending*, is not at least 30
24 hours, or if subparagraph (B) of paragraph (1) of subdivision (a)
25 of Section 11322.8 applies, 20 hours, the county shall require
26 concurrent participation in work activities pursuant to subdivisions
27 (a) to (j), inclusive, of Section 11322.6 and Section 11325.22.

28 (b) Participation in the self-initiated education or vocational
29 training program ~~shall~~ *may* be reflected in the welfare-to-work
30 plan required by Section 11325.21. ~~The~~ *If a* welfare-to-work plan
31 *is developed, it* shall provide that whenever an individual ceases
32 to participate in, refuses to attend regularly, or does not maintain
33 satisfactory progress in the self-initiated program, the individual
34 shall participate under this article in accordance with Section
35 11325.22.

36 (c) Any person whose previously approved self-initiated
37 education or training program is interrupted for reasons that meet
38 the good cause criteria specified in subdivision (f) of Section
39 11320.3 may resume participation in the same program if the
40 participant maintained good standing in the program while

1 participating and the self-initiated program continues to meet the
2 approval criteria.

3 (d) Supportive services reimbursement shall be provided for
4 any participant in a self-initiated training or education program
5 approved under this subdivision. ~~This reimbursement shall be
6 provided if no other source of funding for those costs is available.~~

7 Any offset to supportive services payments shall be made in
8 accordance with subdivision (e) of Section 11323.4. *If hours of
9 participation in educational or vocational training are reduced
10 due to a break in instruction at the institution lasting no more than
11 six weeks and the person is eligible to continue in the educational
12 or vocational program following the break in instruction, child
13 care supportive services shall be continued during the break
14 period.*

15 (e) Any student who, at the time he or she is required to
16 participate under this article pursuant to Section 11320.3, has been
17 enrolled and is making satisfactory progress in a degree or
18 certificate program, but does not meet the criteria set forth in
19 subdivision (a), shall have until the beginning of the next
20 educational semester or quarter break to continue his or her
21 educational program if he or she continues to make satisfactory
22 progress. At the time the educational break occurs, the individual
23 is required to participate pursuant to Section 11320.1. A recipient
24 not expected to complete the program by the next break may
25 continue his or her education, provided he or she transfers at the
26 end of the current quarter or semester to a program that qualifies
27 under that subdivision, the county determines that participation is
28 likely to lead to self-supporting employment of the recipient, and
29 the welfare-to-work plan reflects that determination.

30 (f) Any degree, certificate, or vocational program offered by a
31 private postsecondary training provider shall not be approved under
32 this section unless the program is either approved or exempted by
33 the appropriate state regulatory agency and the program is in
34 compliance with all other provisions of law.

35 (g) *A person participating in a self-initiated education or
36 training program pursuant to this section is not subject to the
37 limitations on work activities described in Section 11322.85.*

38 SEC. 6. Section 11327.4 of the Welfare and Institutions Code
39 is amended to read:

1 11327.4. (a) (1) Whenever an individual has failed or refused
2 to comply with program requirements without good cause in a
3 program component to which he or she is assigned and refuses to
4 agree to or fails, without good cause, to comply with a compliance
5 plan agreed to between the county and the participant, the
6 individual shall be subject to sanctions specified in Section
7 11327.5.

8 (2) (A) For the purposes of this article, the phrase “failed or
9 refused to comply with program requirements” shall be limited to:
10 failing or refusing to sign a welfare-to-work plan, *or to participate*
11 *or provide required proof of satisfactory progress in any assigned*
12 *program activity, pursuant to this article, including self-initiated*
13 ~~programs described in Section 11325.23~~ or accept employment;
14 terminating employment; or reducing earnings.

15 (B) *An individual participating in a self-initiated program shall*
16 *not be subject to sanctions on the basis of failure or refusal to sign*
17 *a welfare-to-work plan if the individual is making satisfactory*
18 *progress in that program, as described in subdivision (a) of Section*
19 *11325.23.*

20 (b) (1) Upon determination that an individual has failed or
21 refused to comply with program requirements, the county shall
22 issue a notice of action effective no earlier than 30 calendar days
23 from the date of issuance informing the individual that a sanction
24 will be imposed if the individual fails to either attend an
25 appointment scheduled by the county to be held within 20 calendar
26 days of the notice, or contact the county by phone, within 20
27 calendar days of the notice, and fails to do either of the following:

28 (A) Provide information to the county that he or she had good
29 cause for the refusal or failure that has led the county to make a
30 finding of good cause for nonparticipation.

31 (B) Agree to a compliance plan to correct the failure or refusal
32 to comply.

33 (2) The county shall schedule a time during which each
34 individual who has failed or refused to comply with program
35 requirements has an opportunity to demonstrate that he or she had
36 good cause for that refusal or failure. The county shall schedule
37 an appointment within 20 calendar days of the notice of action.
38 The individual shall be allowed to reschedule the cause
39 determination appointment once within the 20-calendar-day period.

1 (3) The written notice of action sent by the county shall do all
2 of the following:

3 (A) Inform the individual of the specific act or acts that have
4 caused the individual to be out of compliance with participation
5 requirements.

6 (B) Inform the individual of his or her right to assert good cause
7 for his or her refusal or failure.

8 (C) Inform the individual of the date and time of the scheduled
9 appointment.

10 (D) Provide a general definition of good cause and examples
11 of reasons that constitute good cause for not participating in the
12 program.

13 (E) Inform the individual of the right to contact the county
14 welfare department by telephone to establish good cause over the
15 telephone in lieu of attending the appointment scheduled by the
16 county.

17 (F) Inform the individual of the right to reschedule the
18 appointment once within the 20-calendar-day period.

19 (G) Inform the individual that if good cause is not found, a
20 compliance plan will be developed and the individual will be
21 expected to agree to the plan or face a sanction.

22 (H) Inform the individual of the name, telephone number, and
23 address of state and local legal aid and welfare rights organizations
24 that may assist the individual with the good cause and compliance
25 plan process.

26 (I) Describe the transportation and child care services that a
27 person is entitled to, as needed in order to attend the appointment.

28 (c) If the individual fails to attend the appointment, the county
29 shall attempt to contact the individual by telephone at the time of
30 or after the appointment in order to establish a finding of good
31 cause or no good cause, and, if a finding of no good cause is made,
32 develop a compliance plan to correct the instance of
33 nonparticipation.

34 (d) If the individual fails to attend the meeting and the county
35 is not able to contact the individual in accordance with subdivision
36 (c), and the individual fails to contact the county within the
37 20-calendar-day period, a sanction shall be imposed in accordance
38 with Section 11327.5.

39 (e) If the individual attends the appointment or contacts the
40 county by phone within the 20-calendar-day period and is either

1 found by the county to have had good cause for his or her refusal
 2 or failure, or agrees to a compliance plan to correct the failure or
 3 refusal, the county shall rescind the notice of action issued pursuant
 4 to subdivision (b). If the individual agrees to a compliance plan at
 5 the appointment, the individual shall be provided a copy of the
 6 plan. If the individual agrees to a compliance plan over the
 7 telephone, a copy of the plan shall be mailed to the client.

8 (f) If the individual is found by the county to have had good
 9 cause for his or her refusal or failure, an instance of noncompliance
 10 shall not be considered to have occurred.

11 (g) If the individual is found by the county not to have had good
 12 cause, but agrees to a compliance plan and then fulfills the terms
 13 of the compliance plan, an instance of noncompliance shall not be
 14 considered to have occurred.

15 (h) If the individual enters into a written compliance plan, but
 16 does not fulfill the terms of the plan, and the county determines,
 17 based on available information, that the individual did not have
 18 good cause for failure to meet the terms of the plan, the county
 19 shall send a notice of action to impose a sanction. The procedures
 20 specified in subdivision (b) shall not be applicable to a sanction
 21 imposed under this subdivision.

22 SEC. 7. No appropriation pursuant to Section 15200 of the
 23 Welfare and Institutions Code shall be made for purposes of
 24 implementing this act.

25 SEC. 8. If the Commission on State Mandates determines that
 26 this act contains costs mandated by the state, reimbursement to
 27 local agencies and school districts for those costs shall be made
 28 pursuant to Part 7 (commencing with Section 17500) of Division
 29 4 of Title 2 of the Government Code.