

AMENDED IN ASSEMBLY JUNE 1, 2015

AMENDED IN ASSEMBLY APRIL 9, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 743

Introduced by Assembly Member Eggman
(~~Coauthor: Assembly Member~~ *Coauthors: Assembly Members*
***Cristina Garcia and Gonzalez*)**

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 amended, 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 or property, for purposes of determining eligibility or available income or property, 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 welfare-to-work 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 education and training program from the requirement that the person participate in job search activities. The bill would also exempt hours of participation in a self-initiated program 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 ~~child care~~ *child care for the purpose of determining eligibility for 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.* ~~services, a schedule approved by a college counselor be deemed sufficient verification of necessary child care.~~ 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 that, under federal or state law, are
11 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, and
14 related allowances provided through the United States Department
15 of Veterans Affairs for active duty personnel, veterans, and
16 dependents, or spouses of those who died in the line of duty or
17 have a service-connected disability, shall be totally exempt from
18 consideration as income or property for purposes of determining
19 eligibility or available income or property for purposes of this
20 chapter.

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

1 11322.87. (a) A recipient subject to the 24-month time
2 limitation described in Section 11322.85 may request an extension
3 in accordance with Section 11322.86 and may present evidence
4 to the county that he or she meets any of the following
5 circumstances:

6 (1) The recipient is likely to obtain employment within six
7 months.

8 (2) The recipient has encountered unique labor market barriers
9 temporarily preventing employment, and therefore needs additional
10 time to obtain employment.

11 (3) The recipient has achieved satisfactory progress in an
12 educational or treatment program, including adult basic education
13 or vocational education, that has a known graduation, transfer, or
14 completion date that would meaningfully increase the likelihood
15 of his or her employment.

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

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

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

23 (b) (1) Except for an extension requested in accordance with
24 paragraph (5) of subdivision (a), and subject to the limitation
25 described in paragraph (2) of subdivision (a) of Section 11322.86,
26 a county shall grant an extension to a recipient who presents
27 evidence in accordance with subdivision (a) unless the county
28 determines that the evidence presented does not support the
29 existence of the circumstances described in subdivision (a).

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

33 (3) At any hearing disputing a county's denial of an extension
34 in accordance with paragraph (1), the county shall have the burden
35 of proof to establish that an extension was not justified unless the
36 county demonstrates that the denial was due to the unavailability
37 of an extension in accordance with the 20-percent limitation
38 described in paragraph (2) of subdivision (a) of Section 11322.86.

39 (c) If, as a result of information already available to a county,
40 including the recipient's welfare-to-work plan and verifications

1 of participation, the county identifies that a recipient meets a
2 circumstance described in subdivision (a), and subject to the
3 limitation described in paragraph (2) of subdivision (a) of Section
4 11322.86, a county may grant an extension of the 24-month time
5 limitation described in paragraph (1) of subdivision (a) of Section
6 11322.85 to the recipient.

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

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

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

28 (2) Nothing in this section shall require participation in job
29 search activities, the schedule for which interferes with
30 unsubsidized employment or participation pursuant to Section
31 11325.23.

32 (3) Job search activities may be required in excess of the limits
33 specified in paragraph (1) on the basis of a review by the county
34 of the recipient's performance during job search activities to
35 determine whether extending the job search period would result
36 in unsubsidized employment.

37 (4) A person subject to Article 3.5 (commencing with Section
38 11331) or subdivision (d) of Section 11320.3 shall not be required,
39 but may be permitted, to participate in job search activities as his
40 or her first program assignment following appraisal upon earning

1 a high school diploma or its equivalent, if she or he has not already
2 taken the option to complete these activities as the first program
3 assignment following appraisal.

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

8 (2) (A) The assignment to one or more of the program activities
9 as required in paragraph (1) of this subdivision shall be based on
10 the welfare-to-work plan developed pursuant to an assessment as
11 described in Section 11325.4. The plan shall be based, at a
12 minimum, on consideration of the individual's existing education
13 level, employment experience and relevant employment skills,
14 available program resources, and local labor market opportunities.

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

18 (C) Notwithstanding subparagraphs (A) and (B), an assessment
19 shall not be required to develop a welfare-to-work plan for a person
20 who is participating in an approved self-initiated program pursuant
21 to Section 11325.23 unless the county determines that an
22 assessment is necessary to meet the hours specified in Section
23 11325.23. If an assessment is determined to be necessary, the
24 county shall schedule the assessment at a time that does not
25 interfere in any way with the person's self-initiated program,
26 employment, or ~~child care~~ *child care* obligations, and the person
27 shall continue to receive supportive services until this assessment
28 has been completed.

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

35 (4) Participation in activities assigned pursuant to this section
36 may be sequential or concurrent. The county may require
37 concurrent participation in the assigned activities if it is appropriate
38 to the participant's abilities, consistent with the participant's
39 welfare-to-work plan, and the activities can be concurrently
40 scheduled.

1 (5) The participant has 30 days from the beginning of the initial
2 training or education assignment in which to request a change or
3 reassignment to another component. The county shall grant the
4 participant's request for reassignment if another assignment is
5 available that is consistent with the participant's welfare-to-work
6 plan and the county determines the other assignment will readily
7 lead to employment. This grace period shall be available only once
8 to each participant.

9 (c) Any assignment or change in assignment to a program
10 activity pursuant to this section shall be included in the
11 welfare-to-work plan, or an amendment to the plan, as required in
12 Section 11325.21.

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

18 (e) The criteria for successful completion of an assigned
19 education or training activity shall include regular attendance,
20 satisfactory progress, as defined by the institution, and completion
21 of the assignment. A person who fails or refuses to comply with
22 program requirements for participation in the activities assigned
23 pursuant to this section shall be subject to Sections 11327.4 and
24 11327.5.

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

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

31 11325.23. (a) Except as provided in paragraph (2), a person
32 who is required to, or volunteers to, participate under this article
33 and who is enrolled in any undergraduate degree or certificate
34 program that leads to employment may continue in that program
35 if he or she is making satisfactory progress in that program, as
36 defined by the educational institution, and the county determines
37 that continuing in the program is likely to lead to self-supporting
38 employment for that person.

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

4 (2) Any individual who possesses a baccalaureate degree shall
5 not be eligible to participate under this section unless the individual
6 is pursuing a California regular classroom teaching credential in
7 a college or university with an approved teacher credential
8 preparation program.

9 (3) (A) Subject to the limitation provided in subdivision (f), a
10 program shall be determined to lead to employment if it is on a
11 list of programs that the county welfare department or local
12 education agency or provider has identified as leading to
13 employment. The list shall be approved by the county annually,
14 with the first list completed no later than January 31, 1998. By
15 January 1, 2000, all educational providers shall report data
16 regarding programs on the list for the purposes of the workforce
17 metrics dashboard established under Section 14013 of the
18 Unemployment Insurance Code for the programs to remain on the
19 list.

20 (B) For students not in a program on the list prepared under
21 subparagraph (A), the county shall determine if the program leads
22 to employment. The recipient shall be allowed to continue in the
23 program if the recipient demonstrates to the county that the
24 program will lead to self-supporting employment for that recipient
25 and the documentation is included in the welfare-to-work plan.

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

34 (b) Participation in the self-initiated education or vocational
35 training program shall be reflected in the welfare-to-work plan
36 required by Section 11325.21. When a welfare-to-work plan is
37 developed, it shall provide that whenever an individual ceases to
38 participate in, refuses to attend regularly, or does not maintain
39 satisfactory progress in the self-initiated program, the individual

1 shall participate under this article in accordance with Section
2 11325.22.

3 (c) Any person whose previously approved self-initiated
4 education or training program is interrupted for reasons that meet
5 the good cause criteria specified in subdivision (f) of Section
6 11320.3 may resume participation in the same program if the
7 participant maintained good standing in the program while
8 participating and the self-initiated program continues to meet the
9 approval criteria.

10 (d) Supportive services reimbursement shall be provided for
11 any participant in a self-initiated training or education program
12 approved under this subdivision. Any offset to supportive services
13 payments shall be made in accordance with subdivision (e) of
14 Section 11323.4. ~~If hours of participation in educational or~~
15 ~~vocational training are reduced due to a break in instruction at the~~
16 ~~institution lasting no more than six weeks and the person is eligible~~
17 ~~to continue in the educational or vocational program following the~~
18 ~~break in instruction, child care supportive services shall be~~
19 ~~continued during the break period.~~ *For the purpose of determining*
20 *eligibility for child care supportive services, a schedule approved*
21 *by a college counselor shall be deemed sufficient verification of*
22 *necessary child care.*

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

38 (f) Any degree, certificate, or vocational program offered by a
39 private postsecondary training provider shall not be approved under
40 this section unless the program is either approved or exempted by

1 the appropriate state regulatory agency and the program is in
2 compliance with all other provisions of law.

3 (g) Hours of participation in a self-initiated education or training
4 program pursuant to this section are not subject to the limitations
5 on work activities described in Section 11322.85.

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

8 11327.4. (a) (1) Whenever an individual has failed or refused
9 to comply with program requirements without good cause in a
10 program component to which he or she is assigned and refuses to
11 agree to or fails, without good cause, to comply with a compliance
12 plan agreed to between the county and the participant, the
13 individual shall be subject to sanctions specified in Section
14 11327.5.

15 (2) (A) For the purposes of this article, the phrase “failed or
16 refused to comply with program requirements” shall be limited to:
17 failing or refusing to sign a welfare-to-work plan, or to participate
18 or provide required proof of satisfactory progress in any assigned
19 program activity, pursuant to this article, or accept employment;
20 terminating employment; or reducing earnings.

21 (B) An individual who is currently participating in a
22 self-initiated program that is reflected in a welfare-to-work plan
23 shall not be subject to sanctions on the basis of failure or refusal
24 to sign a new welfare-to-work plan if the individual is making
25 satisfactory progress in that program, as described in subdivision
26 (a) of Section 11325.23.

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

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

38 (B) Agree to a compliance plan to correct the failure or refusal
39 to comply.

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

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

10 (A) Inform the individual of the specific act or acts that have
11 caused the individual to be out of compliance with participation
12 requirements.

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

15 (C) Inform the individual of the date and time of the scheduled
16 appointment.

17 (D) Provide a general definition of good cause and examples
18 of reasons that constitute good cause for not participating in the
19 program.

20 (E) Inform the individual of the right to contact the county
21 welfare department by telephone to establish good cause over the
22 telephone in lieu of attending the appointment scheduled by the
23 county.

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

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

29 (H) Inform the individual of the name, telephone number, and
30 address of state and local legal aid and welfare rights organizations
31 that may assist the individual with the good cause and compliance
32 plan process.

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

35 (c) If the individual fails to attend the appointment, the county
36 shall attempt to contact the individual by telephone at the time of
37 or after the appointment in order to establish a finding of good
38 cause or no good cause, and, if a finding of no good cause is made,
39 develop a compliance plan to correct the instance of
40 nonparticipation.

1 (d) If the individual fails to attend the meeting and the county
2 is not able to contact the individual in accordance with subdivision
3 (c), and the individual fails to contact the county within the
4 20-calendar-day period, a sanction shall be imposed in accordance
5 with Section 11327.5.

6 (e) If the individual attends the appointment or contacts the
7 county by telephone within the 20-calendar-day period and is either
8 found by the county to have had good cause for his or her refusal
9 or failure, or agrees to a compliance plan to correct the failure or
10 refusal, the county shall rescind the notice of action issued pursuant
11 to subdivision (b). If the individual agrees to a compliance plan at
12 the appointment, the individual shall be provided a copy of the
13 plan. If the individual agrees to a compliance plan over the
14 telephone, a copy of the plan shall be mailed to the client.

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

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

22 (h) If the individual enters into a written compliance plan, but
23 does not fulfill the terms of the plan, and the county determines,
24 based on available information, that the individual did not have
25 good cause for failure to meet the terms of the plan, the county
26 shall send a notice of action to impose a sanction. The procedures
27 specified in subdivision (b) shall not be applicable to a sanction
28 imposed under this subdivision.

29 SEC. 7. No appropriation pursuant to Section 15200 of the
30 Welfare and Institutions Code shall be made for purposes of
31 implementing this act.

32 SEC. 8. If the Commission on State Mandates determines that
33 this act contains costs mandated by the state, reimbursement to
34 local agencies and school districts for those costs shall be made
35 pursuant to Part 7 (commencing with Section 17500) of Division
36 4 of Title 2 of the Government Code.