

AMENDED IN SENATE JULY 16, 2015

AMENDED IN ASSEMBLY JUNE 1, 2015

AMENDED IN ASSEMBLY APRIL 9, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**ASSEMBLY BILL**

**No. 743**

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

February 25, 2015

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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; personnel or veterans, and dependents; dependents or spouses of those who either 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 *that*, for the purpose of determining eligibility for *child care* supportive 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~~, *personnel or*  
16 veterans, and—~~dependents~~, *dependents* or spouses of those who  
17 either died in the line of duty or have a service-connected disability,  
18 shall be totally exempt from consideration as income or property  
19 for purposes of determining eligibility or available income or  
20 property for purposes of this chapter.

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

23 11322.87. (a) A recipient subject to the 24-month time  
24 limitation described in Section 11322.85 may request an extension  
25 in accordance with Section 11322.86 and may present evidence

1 to the county that he or she meets any of the following  
2 circumstances:

3       (1) The recipient is likely to obtain employment within six  
4 months.

5       (2) The recipient has encountered unique labor market barriers  
6 temporarily preventing employment, and therefore needs additional  
7 time to obtain employment.

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

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

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

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

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

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

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

36       (c) If, as a result of information already available to a county,  
37 including the recipient's welfare-to-work plan and verifications  
38 of participation, the county identifies that a recipient meets a  
39 circumstance described in subdivision (a), and subject to the  
40 limitation described in paragraph (2) of subdivision (a) of Section

1 11322.86, a county may grant an extension of the 24-month time  
2 limitation described in paragraph (1) of subdivision (a) of Section  
3 11322.85 to the recipient.

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

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

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

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

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

34 (4) A person subject to Article 3.5 (commencing with Section  
35 11331) or subdivision (d) of Section 11320.3 shall not be required,  
36 but may be permitted, to participate in job search activities as his  
37 or her first program assignment following appraisal upon earning  
38 a high school diploma or its equivalent, if she or he has not already  
39 taken the option to complete these activities as the first program  
40 assignment following appraisal.

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

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

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

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

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

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

38      (5) The participant has 30 days from the beginning of the initial  
39 training or education assignment in which to request a change or  
40 reassignment to another component. The county shall grant the

1 participant's request for reassignment if another assignment is  
2 available that is consistent with the participant's welfare-to-work  
3 plan and the county determines the other assignment will readily  
4 lead to employment. This grace period shall be available only once  
5 to each participant.

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

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

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

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

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

28 11325.23. (a) Except as provided in paragraph (2), a person  
29 who is required to, or volunteers to, participate under this article  
30 and who is enrolled in any undergraduate degree or certificate  
31 program that leads to employment may continue in that program  
32 if he or she is making satisfactory progress in that program, as  
33 defined by the educational institution, and the county determines  
34 that continuing in the program is likely to lead to self-supporting  
35 employment for that person.

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

39 (2) Any individual who possesses a baccalaureate degree shall  
40 not be eligible to participate under this section unless the individual

1 is pursuing a California regular classroom teaching credential in  
2 a college or university with an approved teacher credential  
3 preparation program.

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

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

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

29 (b) Participation in the self-initiated education or vocational  
30 training program shall be reflected in the welfare-to-work plan  
31 required by Section 11325.21. When a welfare-to-work plan is  
32 developed, it shall provide that whenever an individual ceases to  
33 participate in, refuses to attend regularly, or does not maintain  
34 satisfactory progress in the self-initiated program, the individual  
35 shall participate under this article in accordance with Section  
36 11325.22.

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

1 participant maintained good standing in the program while  
2 participating and the self-initiated program continues to meet the  
3 approval criteria.

4 (d) Supportive services reimbursement shall be provided for  
5 any participant in a self-initiated training or education program  
6 approved under this subdivision. Any offset to supportive services  
7 payments shall be made in accordance with subdivision (e) of  
8 Section 11323.4. For the purpose of determining eligibility for  
9 child care supportive services, a schedule approved by a college  
10 counselor shall be deemed sufficient verification of necessary child  
11 care.

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

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

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

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

37 11327.4. (a) (1) Whenever an individual has failed or refused  
38 to comply with program requirements without good cause in a  
39 program component to which he or she is assigned and refuses to  
40 agree to or fails, without good cause, to comply with a compliance

1 plan agreed to between the county and the participant, the  
2 individual shall be subject to sanctions specified in Section  
3 11327.5.

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

10 (B) An individual who is currently participating in a  
11 self-initiated program that is reflected in a welfare-to-work plan  
12 shall not be subject to sanctions on the basis of failure or refusal  
13 to sign a new welfare-to-work plan if the individual is making  
14 satisfactory progress in that program, as described in subdivision  
15 (a) of Section 11325.23.

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

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

27 (B) Agree to a compliance plan to correct the failure or refusal  
28 to comply.

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

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

38 (A) Inform the individual of the specific act or acts that have  
39 caused the individual to be out of compliance with participation  
40 requirements.

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

3       (C) Inform the individual of the date and time of the scheduled  
4 appointment.

5       (D) Provide a general definition of good cause and examples  
6 of reasons that constitute good cause for not participating in the  
7 program.

8       (E) Inform the individual of the right to contact the county  
9 welfare department by telephone to establish good cause over the  
10 telephone in lieu of attending the appointment scheduled by the  
11 county.

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

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

17     (H) Inform the individual of the name, telephone number, and  
18 address of state and local legal aid and welfare rights organizations  
19 that may assist the individual with the good cause and compliance  
20 plan process.

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

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

29     (d) If the individual fails to attend the meeting and the county  
30 is not able to contact the individual in accordance with subdivision  
31 (c), and the individual fails to contact the county within the  
32 20-calendar-day period, a sanction shall be imposed in accordance  
33 with Section 11327.5.

34     (e) If the individual attends the appointment or contacts the  
35 county by telephone within the 20-calendar-day period and is either  
36 found by the county to have had good cause for his or her refusal  
37 or failure, or agrees to a compliance plan to correct the failure or  
38 refusal, the county shall rescind the notice of action issued pursuant  
39 to subdivision (b). If the individual agrees to a compliance plan at  
40 the appointment, the individual shall be provided a copy of the

1 plan. If the individual agrees to a compliance plan over the  
2 telephone, a copy of the plan shall be mailed to the client.

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

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

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

17 SEC. 7. No appropriation pursuant to Section 15200 of the  
18 Welfare and Institutions Code shall be made for purposes of  
19 implementing this act.

20 SEC. 8. If the Commission on State Mandates determines that  
21 this act contains costs mandated by the state, reimbursement to  
22 local agencies and school districts for those costs shall be made  
23 pursuant to Part 7 (commencing with Section 17500) of Division  
24 4 of Title 2 of the Government Code.