

AMENDED IN SENATE AUGUST 8, 2016

AMENDED IN SENATE MAY 11, 2016

AMENDED IN ASSEMBLY APRIL 6, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 2448

Introduced by Assembly Member Burke

February 19, 2016

An act to amend Sections 11320.1, 11322.6, and 11322.85 of, and to add Section 11325.3 to, the Welfare and Institutions Code, relating to CalWORKs.

LEGISLATIVE COUNSEL'S DIGEST

AB 2448, as amended, Burke. CalWORKs: welfare-to-work: education.

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 establishes a 48-month lifetime limit of CalWORKs benefits for eligible adults, as specified.* Existing law requires a recipient of CalWORKs to participate in *certain* welfare-to-work activities as a condition of ~~eligibility~~. *eligibility for 24 cumulative months, as specified, and to meet other federal requirements, as specified.* Existing law provides that *participation in certain activities is not counted against that 24-month period.* Existing law requires the county to assign a CalWORKs recipient who lacks a high school diploma or its equivalent to participate in adult basic education, if the recipient has completed job search activities but did not find employment and the education is needed to become

employed. Existing law also requires, in order for a recipient to engage in adult basic education in satisfaction of welfare-to-work requirements, the county to perform an assessment and develop a welfare-to-work plan that includes participation in the educational activity.

This bill would instead provide that if the county determines that a CalWORKs recipient has not received his or her high school diploma or its equivalent, the recipient may participate in a high school equivalency program in order to complete a high school equivalency test recognized by the State Department of ~~Education~~. *Education, and that a specified amount of time participating in that activity would not count against the 24-month period described above for certain recipients.* The bill would authorize ~~the~~ a recipient to participate in a high school equivalency program in lieu of participating in a job search or job club, *as specified*, and would prohibit ~~the~~ a county from requiring the recipient to participate in an assessment before the recipient may engage in a high school equivalency program in satisfaction of welfare-to-work requirements.

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

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

1 SECTION 1. Section 11320.1 of the Welfare and Institutions
 2 Code is amended to read:
 3 11320.1. Subsequent to the commencement of the receipt of
 4 aid under this chapter, the sequence of employment-related
 5 activities required of recipients under this article, unless exempted
 6 under Section 11320.3, shall be as follows:
 7 (a) Orientation and appraisal. Recipients shall, and applicants
 8 may, at the option of a county and with the consent of the applicant,
 9 receive orientation to the welfare-to-work program provided under
 10 this article and receive appraisal pursuant to Section 11325.2.
 11 (b) After orientation and appraisal, recipients shall participate
 12 in job search and job club pursuant to Section 11325.22, family
 13 stabilization pursuant to Section 11325.24, a high school
 14 equivalency program pursuant to Section 11325.3, or substance
 15 abuse, mental health, or domestic violence services, unless the
 16 county determines that the recipient should first go to assessment
 17 pursuant to subdivision (c).

1 (c) Assessment. If employment is not found during the period
2 provided for pursuant to subdivision (b), or at any time the county
3 determines that participation in job search for the period specified
4 in subdivision (a) of Section 11325.22 is not likely to lead to
5 employment or that, based on information gathered during the
6 appraisal, further information is needed to make an effective
7 determination regarding the recipient's next welfare-to-work
8 activity, the recipient shall be referred to assessment, as provided
9 for in Section 11325.4. Following assessment, the county and the
10 recipient shall develop a welfare-to-work plan, as specified in
11 Section 11325.21. The plan shall specify the activities provided
12 for in Section 11322.6 to which the recipient shall be assigned,
13 and the supportive services, as provided for pursuant to Section
14 11323.2, with which the recipient will be provided.

15 (d) Work activities. A recipient who has signed a
16 welfare-to-work plan pursuant to Section 11325.21 shall participate
17 in work activities, as described in this article.

18 SEC. 2. Section 11322.6 of the Welfare and Institutions Code
19 is amended to read:

20 11322.6. The welfare-to-work plan developed by the county
21 welfare department and the participant pursuant to this article shall
22 provide for welfare-to-work activities. Welfare-to-work activities
23 may include, but are not limited to, any of the following:

24 (a) Unsubsidized employment.

25 (b) Subsidized private sector employment.

26 (c) Subsidized public sector employment.

27 (d) Work experience, which means public or private sector work
28 that shall help provide basic job skills, enhance existing job skills
29 in a position related to the participant's experience, or provide a
30 needed community service that will lead to employment. Unpaid
31 work experience shall be limited to 12 months, unless the county
32 welfare department and the recipient agree to extend this period
33 by an amendment to the welfare-to-work plan. The county welfare
34 department shall review the work experience assignment as
35 appropriate and make revisions as necessary to ensure that it
36 continues to be consistent with the participant's plan and effective
37 in preparing the participant to attain employment.

38 (e) On-the-job training.

39 (f) (1) Grant-based on-the-job training, which means public or
40 private sector employment or on-the-job training in which the

1 recipient's cash grant, or a portion thereof, or the aid grant savings
2 resulting from employment, or both, is diverted to the employer
3 as a wage subsidy to partially or wholly offset the payment of
4 wages to the participant, so long as the total amount diverted does
5 not exceed the family's maximum aid payment.

6 (2) A county shall not assign a participant to grant-based
7 on-the-job training unless and until the participant has voluntarily
8 agreed to participate in grant-based on-the-job training by executing
9 a voluntary agreement form, which shall be developed by the
10 department. The agreement shall include, but not be limited to,
11 information on the following:

12 (A) How job termination or another event will not result in loss
13 of the recipient's grant funds, pursuant to department regulations.

14 (B) (i) How to obtain the federal Earned Income Tax Credit
15 (EITC), including the Advance EITC, and increased CalFresh
16 benefits, which may become available due to increased earned
17 income.

18 (ii) This subparagraph shall only become operative when and
19 to the extent that the department determines that it reflects current
20 federal law and Internal Revenue Service regulations.

21 (C) How these financial supports should increase the
22 participant's current income and how increasing earned income
23 should increase the recipient's future social security income.

24 (3) Grant-based on-the-job training shall include community
25 service positions pursuant to Section 11322.9.

26 (4) Any portion of a wage from employment that is funded by
27 the diversion of a recipient's cash grant, or the grant savings from
28 employment pursuant to this subdivision, or both, shall not be
29 exempt under Section 11451.5 from the calculation of the income
30 of the family for purposes of subdivision (a) of Section 11450.

31 (g) Supported work or transitional employment, which means
32 forms of grant-based on-the-job training in which the recipient's
33 cash grant, or a portion thereof, or the aid grant savings from
34 employment, is diverted to an intermediary service provider, to
35 partially or wholly offset the payment of wages to the participant.

36 (h) Workstudy.

37 (i) Self-employment.

38 (j) Community service.

39 (k) Adult basic education, which shall include reading, writing,
40 arithmetic, high school proficiency, or a high school equivalency

1 program, and English as a second language. Participants under
2 this subdivision shall be referred to appropriate service providers
3 that include, but are not limited to, educational programs operated
4 by school districts or county offices of education that have
5 contracted with the Superintendent of Public Instruction to provide
6 services to participants pursuant to Section 33117.5 of the
7 Education Code.

8 (l) Job skills training directly related to employment.

9 (m) Vocational education and training, including, but not limited
10 to, college and community college education, adult education,
11 regional occupational centers, and regional occupational programs.

12 (n) Job search and job readiness assistance, which means
13 providing the recipient with training to learn job seeking and
14 interviewing skills, to understand employer expectations, and learn
15 skills designed to enhance an individual's capacity to move toward
16 self-sufficiency, including financial management education.

17 (o) Education directly related to employment.

18 (p) Satisfactory progress in secondary school or in a course of
19 study leading to completion of a high school equivalency program,
20 in the case of a recipient who has not completed secondary school
21 or a high school equivalency program, as described in Section
22 11325.3.

23 (q) Mental health, substance abuse, and domestic violence
24 services, described in Sections 11325.7 and 11325.8, and Article
25 7.5 (commencing with Section 11495), that are necessary to obtain
26 and retain employment.

27 (r) Other activities necessary to assist an individual in obtaining
28 unsubsidized employment.

29 (s) Assignment to an educational activity identified in
30 subdivisions (k), (m), (o), and (p) is limited to those situations in
31 which the education is needed to become employed.

32 SEC. 3. Section 11322.85 of the Welfare and Institutions Code
33 is amended to read:

34 11322.85. (a) Unless otherwise exempt, an applicant or
35 recipient shall participate in welfare-to-work activities.

36 (1) For 24 cumulative months during a recipient's lifetime, these
37 activities may include the activities listed in Section 11322.6 that
38 are consistent with the assessment performed in accordance with
39 Section 11325.4 and that are included in the individual's
40 welfare-to-work plan, as described in Section 11325.21, to meet

1 the hours required in Section 11322.8. These 24 months need not
2 be consecutive.

3 (2) Any month in which the recipient meets the requirements
4 of Section 11322.8, through participation in an activity or activities
5 described in paragraph (3), shall not count as a month of activities
6 for purposes of the 24-month time limit described in paragraph
7 (1).

8 (3) After a total of 24 months of participation in welfare-to-work
9 activities pursuant to paragraph (1), an aided adult shall participate
10 in one or more of the following welfare-to-work activities, in
11 accordance with Section 607(c) and (d) of Title 42 of the United
12 States Code as of the operative date of this section, that are
13 consistent with the assessment performed in accordance with
14 Section 11325.4, and included in the individual’s welfare-to-work
15 plan, described in Section 11325.21:

- 16 (A) Unsubsidized employment.
- 17 (B) Subsidized private sector employment.
- 18 (C) Subsidized public sector employment.
- 19 (D) Work experience, including work associated with the
20 refurbishing of publicly assisted housing, if sufficient private sector
21 employment is not available.
- 22 (E) On-the-job training.
- 23 (F) Job search and job readiness assistance.
- 24 (G) Community service programs.
- 25 (H) Vocational educational training (not to exceed 12 months
26 with respect to any individual).
- 27 (I) Job skills training directly related to employment.
- 28 (J) Education directly related to employment, in the case of a
29 recipient who has not received a high school diploma or a
30 certificate of high school equivalence.
- 31 (K) Satisfactory attendance at a secondary school or in a course
32 of study leading to a certificate of general equivalence, in the case
33 of a recipient who has not completed secondary school or received
34 such a certificate.
- 35 (L) The provision of child care services to an individual who is
36 participating in a community service program.

37 (b) Any month in which any of the following conditions exists
38 shall not be counted as one of the 24 months of participation
39 allowed under paragraph (1) of subdivision (a):

1 (1) The recipient is participating in job search in accordance
2 with Section 11325.22, assessment pursuant to Section 11325.4,
3 is in the process of appraisal as described in Section 11325.2, or
4 is participating in the development of a welfare-to-work plan as
5 described in Section 11325.21.

6 (2) The recipient is no longer receiving aid, pursuant to Sections
7 11327.4 and 11327.5.

8 (3) The recipient has been excused from participation for good
9 cause, pursuant to Section 11320.3.

10 (4) The recipient is exempt from participation pursuant to
11 subdivision (b) of Section 11320.3.

12 (5) The recipient is only required to participate in accordance
13 with subdivision (d) of Section 11320.3.

14 (6) The recipient is participating in family stabilization pursuant
15 to Section 11325.24, and the recipient would meet the criteria for
16 good cause pursuant to Section 11320.3. This paragraph may apply
17 to a recipient for no more than six cumulative months.

18 (7) The recipient ~~is~~ *has been* participating in a high school
19 equivalency program pursuant to Section ~~11325.3~~. *11325.3 for at*
20 *least six months, but has not yet obtained a certificate of high*
21 *school equivalency. This paragraph may apply to a recipient for*
22 *no more than six cumulative months, which may be extended for*
23 *no more than an additional six cumulative months based on a*
24 *likelihood that the recipient will obtain his or her certificate of*
25 *high school equivalency during that time period.*

26 (c) County welfare departments shall provide each recipient
27 who is subject to the requirements of paragraph (3) of subdivision
28 (a) written notice describing the 24-month time limitation described
29 in that paragraph and the process by which recipients may claim
30 exemptions from, and extensions to, those requirements.

31 (d) The notice described in subdivision (c) shall be provided at
32 the time the individual applies for aid, during the recipient's annual
33 redetermination, and at least once after the individual has
34 participated for a total of 18 months, and prior to the end of the
35 21st month, that count toward the 24-month time limit.

36 (e) The notice described in this section shall include, but shall
37 not be limited to, all of the following:

38 (1) The number of remaining months the adult recipient may
39 be eligible to receive aid.

1 (2) The requirements that the recipient must meet in accordance
2 with paragraph (3) of subdivision (a) and the action that the county
3 will take if the adult recipient does not meet those requirements.

4 (3) The manner in which the recipient may dispute the number
5 of months counted toward the 24-month time limit.

6 (4) The opportunity for the recipient to modify his or her
7 welfare-to-work plan to meet the requirements of paragraph (3)
8 of subdivision (a).

9 (5) The opportunity for an exemption to, or extension of, the
10 24-month time limitation.

11 (f) For an individual subject to the requirements of paragraph
12 (3) of subdivision (a), who is not exempt or granted an extension,
13 and who does not meet those requirements, the provisions of
14 Sections 11327.4, 11327.5, 11327.9, and 11328.2 shall apply to
15 the extent consistent with the requirements of this section. For
16 purposes of this section, the procedures referenced in this
17 subdivision shall not be described as sanctions.

18 (g) (1) The department, in consultation with stakeholders, shall
19 convene a workgroup to determine further details of the noticing
20 and engagement requirements for the 24-month time limit, and
21 shall instruct counties via an all-county letter, followed by
22 regulations, no later than 18 months after the effective date of the
23 act that added this section.

24 (2) The workgroup described in paragraph (1) may also make
25 recommendations to refine or differentiate the procedures and due
26 process requirements applicable to individuals as described in
27 subdivision (f).

28 (h) (1) Notwithstanding paragraph (3) of subdivision (a) or any
29 other law, an assistance unit that contains an eligible adult who
30 has received assistance under this chapter, or from any state
31 pursuant to the Temporary Assistance for Needy Families program
32 (Part A (commencing with Section 401) of Title IV of the federal
33 Social Security Act (42 U.S.C. Sec. 601 et seq.)) prior to January
34 1, 2013, may continue in a welfare-to-work plan that meets the
35 requirements of Section 11322.6 for a cumulative period of 24
36 months commencing January 1, 2013, unless or until he or she
37 exceeds the 48-month time limitation described in Section 11454.

38 (2) All months of assistance described in paragraph (1) prior to
39 January 1, 2013, shall not be applied to the 24-month limitation
40 described in paragraph (1) of subdivision (a).

1 SEC. 4. Section 11325.3 is added to the Welfare and
2 Institutions Code, to read:

3 11325.3. (a) If, in the course of appraisal pursuant to Section
4 11325.2, it is determined that the recipient has not received his or
5 her high school diploma or its equivalent, the recipient shall be
6 eligible to participate in a high school equivalency program in
7 order to complete the High School Equivalency Test, General
8 Education Development Test, Test Assessing Secondary
9 Completion, or any other high school equivalency test recognized
10 by the State Department of Education.

11 (b) This section does not require a recipient to participate in a
12 high school equivalency program. A recipient may choose to
13 engage in a job club or a job search pursuant to Section 11325.22.

14 (c) Recipients eligible pursuant to this section shall not be
15 required to participate in an assessment pursuant to Section 11325.4
16 prior to, or as a condition of, participation in a high school
17 equivalency program.

O