

AMENDED IN SENATE AUGUST 29, 1995
AMENDED IN SENATE AUGUST 21, 1995
AMENDED IN ASSEMBLY APRIL 26, 1995
AMENDED IN ASSEMBLY MARCH 29, 1995

CALIFORNIA LEGISLATURE—1995–96 REGULAR SESSION

ASSEMBLY BILL

No. 1617

Introduced by Assembly Member Weggeland

February 24, 1995

An act to amend Sections 11320.2, 11320.4, 11322.4, 11323.2, 11323.6, 11324.6, 11324.7, 11324.8, 11325, 11325.2, 11325.21, 11325.22, 11325.23, 11326, 11327.4, 11328, 11329.2, 11330.1, 11331.5, and 11334 of, to add Section 11320.3 to, and to repeal Article 3.1 (commencing with Section 11318) and Article 9 (commencing with Section 11520) of Chapter 2 of Part 3 of Division 9 of, the Welfare and Institutions Code, relating to public social services, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 1617, as amended, Weggeland. Public social services.

Existing law establishes the Greater Avenues for Independence (GAIN) program, under which each county, in accordance with approved county plans, is required to provide various employment and training services. Certain Aid to Families with Dependent Children (AFDC) program

recipients are required to participate in each county's program.

This bill would revise the procedures for the implementation of the GAIN program, including changes in eligibility and requirements for county administration.

The bill would also make various technical changes to GAIN program provisions.

Existing law requires the department to seek waivers from the Secretary of the United States Department of Health and Human Services necessary to implement the GAIN program.

This bill would specify that any GAIN program provision that may only be implemented pursuant to a waiver shall only be operative during the period for which the waiver is granted, as stated in a declaration that shall be executed by the director, if the waiver is obtained.

The bill would specify that it would only be implemented to the maximum extent allowable by federal law.

Since the GAIN program is administered by each county, by imposing additional administrative duties under the GAIN program, the bill would create a state-mandated local program.

~~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, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.~~

~~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.~~

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 no reimbursement is required by this act for a specified reason.

This bill would declare that it ~~would~~ *is to* take effect immediately as an urgency statute.



Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

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

1 SECTION 1. Article 3.1 (commencing with Section
2 11318) of Chapter 2 of Part 3 of Division 9 of the Welfare
3 and Institutions Code is repealed.

4 SEC. 2. Section 11320.2 of the Welfare and Institutions
5 Code is amended to read:

6 11320.2. (a) The Legislature finds and declares that
7 this article is intended to be the employment and training
8 program for the state and is intended to satisfy the
9 registration requirement of Section 602(a)(19)(A) of
10 Title 42 of the United States Code. The Legislature
11 further declares that this article shall be implemented
12 even if the requirements of the federal Social Security Act
13 are not met.

14 (b) The Legislature finds and declares that the state
15 and counties recognize all of the following:

16 (1) Applicants for, and recipients of, aid under this
17 chapter desire to work, and will do so if provided with the
18 opportunity.

19 (2) The state and counties shall provide applicants for,
20 and recipients of, aid under this chapter with the
21 opportunity to obtain employment by offering a full
22 range of employment training and supportive services,
23 consistent with the needs of participants, that allow for
24 informed choices in order to meet their employment
25 goals.

26 (3) Able-bodied applicants for, and recipients of, aid
27 under this chapter, are expected to work. The timeframes
28 for fulfilling this expectation shall be set forth in an
29 explicit contract between an applicant or recipient and
30 the county.

31 (4) Applicants for, and recipients of, aid under this
32 chapter who are required to register for employment and
33 training programs pursuant to Section 11320.3 are
34 individuals in special need of training as described in
35 Section 2 of the federal Job Training Partnership Act (29



1 U.S.C. Sec. 1501), individuals who require special
 2 assistance provided in Section 123 of the Job Training
 3 Partnership Act (29 U.S.C. Sec. 1533), and most in need
 4 of employment and training opportunities as described in
 5 Section 141 of the Job Training Partnership Act (29 U.S.C.
 6 Sec. 1551). The Legislature finds and declares that these
 7 individuals are in the labor force actively seeking
 8 employment.

9 (5) Because the success of any program will depend on
 10 the state, it must exercise leadership to engender
 11 enthusiasm among counties, county welfare department
 12 directors, and county welfare department line staff, who
 13 are the principal contacts for many recipients enrolled in
 14 the program.

15 (6) A successful program should also be based upon all
 16 the following principles:

17 (A) Recipients should be able to make choices and to
 18 live up to the responsibilities involved in those choices.

19 (B) Participants should have an early opportunity to
 20 obtain a job.

21 (C) Expenditures should be targeted where they can
 22 do the most good.

23 (D) The state and the counties have a responsibility to
 24 provide a sufficient level of services to meet the needs of
 25 participants, as well as to undertake sufficient public
 26 information efforts to make recipients, potential
 27 participants, employers, or other public or private
 28 entities aware of the components, opportunities, and
 29 benefits of this program.

30 (E) New programs should be good investments of
 31 public funds. Added costs to the system should be
 32 incurred only when they are likely to result in long-term
 33 personal and community payoff.

34 (7) Clients should not be placed in any unassigned
 35 pool while waiting for a scarce resource.

36 (8) Most types of employment and training program
 37 components for applicants for, and recipients of, aid
 38 under this chapter have been successfully tried in this
 39 state.



1 (9) Aid under this chapter is available to persons who
2 meet eligibility requirements. The program provided for
3 in this article should not hamper continuation of this
4 state's existing system of fraud detection, one of the most
5 successful in the nation.

6 SEC. 3. Section 11320.3 of the Welfare and Institutions
7 Code is amended to read:

8 11320.3. (a) Except as provided in subdivision (b),
9 every individual, as a condition of eligibility for aid under
10 this chapter, shall register for participation under this
11 article.

12 (b) The following individuals shall not be required to
13 register:

14 (1) An individual under 16 years of age, except as
15 provided in subdivision (b) of Section 11331.5, during the
16 time that provision is operative.

17 (2) Except as provided in subdivision (b) of Section
18 11331.5, during the time that provision is operative, a
19 child attending an elementary, secondary, vocational, or
20 technical school on a full-time basis. A person who is 16 or
21 17 years of age, or a person described in subdivision (d)
22 who loses this exemption, shall not requalify for the
23 exemption by attending school as a required activity
24 under this article. For purposes of this paragraph, school
25 shall not include postsecondary education.

26 (3) An individual who is ill, incapacitated, or of
27 advanced age.

28 (4) Except as provided in subdivision (b) of Section
29 11331.5, during the time that provision is operative, an
30 individual so remote from a program activity that his or
31 her effective participation is precluded.

32 (5) Except as provided in subdivision (b) of Section
33 11331.5, during the time that provision is operative, an
34 individual whose presence in the home is required
35 because of illness or incapacity of another member of the
36 household.

37 (6) Except as provided in subdivision (b) of Section
38 11331.5, during the time that provision is operative, a
39 parent or other relative who meets the criteria in
40 subparagraph (A) or (B).



1 (A) The parent or other relative has primary
 2 responsibility for personally providing care to a child
 3 under the age of three years. An individual may be
 4 exempt only once for this reason during a period of
 5 continuous eligibility for aid under this chapter. An
 6 individual who has primary responsibility for personally
 7 providing care to a child under three years of age, and
 8 who has previously received this exemption, shall be
 9 exempt for a period of four months, upon the birth or
 10 adoption of a child. For purposes of this subparagraph, a
 11 “period of continuous eligibility” ends only after a break
 12 in eligibility for aid of six consecutive calendar months or
 13 more. An individual meeting this criterion who
 14 volunteers to register may not be required to participate
 15 unless it is guaranteed that child care will be provided and
 16 participation will not be required for more than 20 hours
 17 per week.

18 (B) The parent or other relative has primary
 19 responsibility for personally providing care to a child
 20 aged three to five years, inclusive, unless it is guaranteed
 21 that child care will be provided and, subject to
 22 subparagraph (D), participation will not be required for
 23 more than 20 hours per week.

24 (C) In a family eligible for aid under this chapter due
 25 to the unemployment of the principal wage earner, the
 26 exemption criteria contained in subparagraph (A) or (B)
 27 shall be applied to only one parent.

28 (D) (i) The department shall seek a federal waiver of
 29 the 20-hour weekly participation limit specified in
 30 subparagraph (B).

31 ~~(ii) The department shall not implement the 20-hour~~
 32 ~~per week participation limitation specified in~~
 33 ~~subparagraph (B)~~

34 (ii) *The waiver sought pursuant to clause (i) may be*
 35 *implemented only* if the director executes a declaration,
 36 which shall be retained by the director, specifying that
 37 federal approval for the waiver of the 20-hour weekly
 38 participation limit has been obtained, and only for the
 39 duration of that approval.



1 (7) Except as provided in subdivision (b) of Section
2 11331.5, during the time that provision is operative, a
3 woman who is pregnant for whom it has been medically
4 verified that the anticipated delivery date is during the
5 month of required participation or is within the six-month
6 period immediately following the month of required
7 participation.

8 (8) Except as provided in subdivision (b) of Section
9 11331.5, during the time that provision is operative, an
10 individual who is earning at least the state or federal
11 minimum wage, whichever is higher, for working not less
12 than 30 hours per week in unsubsidized employment that
13 is expected to last a minimum of 30 days. The minimum
14 wage requirement shall apply to the net earnings of
15 self-employed individuals, and it shall not apply during
16 the first six months of self-employment or employment
17 that is compensated by commission. This exemption shall
18 continue to apply if there is a temporary break in full-time
19 employment that is expected to last no longer than 10
20 working days.

21 (9) An individual who is a full-time volunteer serving
22 under the Volunteers in Service to America (VISTA)
23 program, pursuant to Title 1 of the federal Domestic
24 Volunteer Service Act of 1973 (P.L. 93-113).

25 (c) Any individual not required to register may choose
26 to register voluntarily under this article, and may
27 withdraw that registration at any time without loss of
28 eligibility for aid under this chapter, if his or her status has
29 not changed in a way that would require registration.

30 (d) (1) Notwithstanding subdivision (a), a custodial
31 parent who is under 20 years of age and who has not
32 earned a high school diploma or its equivalent, and who
33 is not exempt or whose only basis for exemption is
34 subparagraph (A) of paragraph (6) of subdivision (b),
35 shall be required to register solely for the purpose of
36 earning a high school diploma or its equivalent. During
37 the time that Article 3.5 (commencing with Section
38 11331) is operative, this subdivision shall only apply to a
39 custodial parent who is 19 years of age.



1 (2) Notwithstanding subparagraph (B) of paragraph
2 (6) of subdivision (b), full-time participation shall be
3 required of the parent.

4 (3) Section 11325.25 shall apply to a custodial parent
5 who is 18 or 19 years of age and who is required to
6 participate under this article. Any referral pursuant to an
7 evaluation that results in an assignment to any training or
8 work activity shall be subject to subparagraph (B) of
9 paragraph (6) of subdivision (b).

10 (4) Custodial mothers under 20 years of age who have
11 not earned a high school diploma or its equivalent shall be
12 exempted due to incapacity as provided in paragraph (3)
13 of subdivision (b) after the birth of the child for a period
14 of postpartum recovery as prescribed by a physician.

15 (e) Notwithstanding paragraph (1) of subdivision (d),
16 the county may determine that participation in education
17 activities for the purpose of earning a high school diploma
18 or equivalent is inappropriate for an 18 or 19 year old
19 custodial parent only if that parent is reassigned pursuant
20 to an evaluation under Section 11325.25, or, at appraisal
21 is already in an educational or vocational training
22 program that is approvable as a self-initiated program as
23 specified in Section 11325.23. If that determination is
24 made, the parent shall be allowed to continue
25 participation in the self-initiated program subject to
26 Section 11325.23. During the time that Article 3.5
27 (commencing with Section 11331) is operative, this
28 subdivision shall only apply to a custodial parent who is 19
29 years of age.

30 SEC. 4. Section 11320.4 of the Welfare and Institutions
31 Code is amended to read:

32 11320.4. (a) Every applicant for, or recipient of, aid
33 under this chapter who is required to register for
34 employment and training programs pursuant to Section
35 11320.3 shall be required to register under this article with
36 the county welfare department. Any applicant for, or
37 recipient of, aid under this chapter who is not required to
38 participate under this article may volunteer to
39 participate in the program.



1 (b) Any person required to register under this article
2 with the county welfare department who refuses to
3 register shall be subject to the procedures provided for in
4 Sections 11327.4 and 11327.5.

5 (c) (1) Any AFDC applicant or recipient who is a
6 member of, and who lives within the designated service
7 area of, any Indian tribe operating a job opportunities and
8 basic skills training program approved by the federal
9 Department of Health and Human Services under the
10 federal Family Support Act of 1988 (P.L. 100-485) shall,
11 if required pursuant to a tribe's approved operating plan,
12 participate in the program in place of participation
13 pursuant to this article.

14 (2) If an individual refuses or fails to comply with
15 program requirements without good cause, and
16 conciliation efforts as specified in Section 11327.4 have
17 failed to resolve the dispute, Section 11327.5 shall apply.

18 SEC. 5. Section 11322.4 of the Welfare and Institutions
19 Code is amended to read:

20 11322.4. (a) If resources are not sufficient to serve all
21 registrants, the county shall adopt a method to determine
22 the order in which registrants are given priority for, or
23 temporarily excluded from, participation in the program.

24 (b) The method adopted by the county shall meet the
25 following requirements:

26 (1) Existing participants shall be given the highest
27 priority. They shall be given an opportunity to complete
28 the services necessary to reach their employment goals,
29 as identified in their contracts with the county, unless the
30 county must temporarily exclude them from the program
31 due to insufficient resources in accordance with the
32 county plan. This shall include individuals who have
33 participated in the Cal-Learn Program pursuant to
34 Article 3.5 (commencing with Section 11331), during the
35 time that article is operative, and who shall receive any
36 additional services needed to prepare them for
37 employment.

38 (2) Fifty-five percent of funds expended for the
39 program in the county shall be for services to any of the
40 following target populations.



1 (A) Applicants for, or recipients of, AFDC who have
2 received AFDC for any 36 of the 60 months immediately
3 preceding the most recent month for which application
4 has been made.

5 (B) Custodial parents under the age of 24 who had
6 little or no work experience in the preceding year.

7 (C) Custodial parents under the age of 24 who have
8 not completed a high school education and are not
9 enrolled in high school, or in a high school equivalency
10 course of instruction.

11 (D) Members of a family in which the youngest child
12 is within two years of being ineligible for aid under this
13 chapter because of age.

14 (3) Within any target population selected by the
15 county or specified in paragraph (2), first priority shall be
16 given to an applicant or recipient who volunteers to
17 participate in the program. For purposes of this section,
18 a “volunteer” is any person eligible to participate in the
19 program, either exempt or nonexempt, who expresses a
20 desire to participate.

21 (4) A county may not give lesser priority to any target
22 population group because of estimated costs of
23 supportive services to that group.

24 (c) The method adopted by the county shall be
25 described in the county plan and subject to the approval
26 of the department pursuant to Section 11321.2. The plan
27 shall also include information on local demographic,
28 economic, or other conditions that support the need for
29 the method selected.

30 (d) This section shall not apply to individuals subject
31 to Article 3.5 (commencing with Section 11331) during
32 the time that article is operative.

33 SEC. 6. Section 11323.2 of the Welfare and Institutions
34 Code is amended to read:

35 11323.2. (a) Necessary supportive services shall be
36 available to every participant in order to participate in
37 the program activity to which he or she is assigned or to
38 accept employment, except as otherwise provided in
39 Section 11500. As provided in the contract entered into
40 between the county and participant pursuant to this



1 article, supportive services shall include all of the
2 following:

3 (1) Child care. Paid child care shall be available to
4 every participant with a dependent child in the assistance
5 unit who needs paid child care if the child is under 13
6 years of age or requires child care or supervision due to
7 a physical, mental, or developmental disability or other
8 similar condition as verified by the county welfare
9 department, or who is under court supervision. A child in
10 foster care receiving benefits under Title IV-E of the
11 federal Social Security Act (42 U.S.C.A. Sec. 670 et seq.)
12 or a child who would become a dependent child except
13 for the receipt of federal Supplemental Security Income
14 benefits pursuant to Title XVI of the federal Social
15 Security Act (42 U.S.C.A. Sec. 1381 et seq.) shall be
16 deemed to be a dependent child for the purposes of this
17 paragraph.

18 (2) Transportation costs, which shall be governed by
19 regional market rates as determined in accordance with
20 regulations established by the department.

21 (3) Ancillary expenses, which shall include the cost of
22 books, tools, clothing, fees, and other necessary costs.

23 (4) Personal counseling. A participant who has
24 personal or family problems that would affect the
25 outcome of the employment plan entered into pursuant
26 to this article shall, to the extent available, receive
27 necessary counseling or therapy to help him or her and
28 his or her family adjust to his or her job or training
29 assignment.

30 (b) (1) If provided in a county plan approved
31 pursuant to Sections 11321 and 11321.2, and to the extent
32 federal financial participation for purposes of this
33 subdivision is available, the county may continue to
34 provide case management and supportive services under
35 this section to former participants who become subject to
36 paragraph (8) of subdivision (b) of Section 11320.3. The
37 county may provide these services for up to the first 90
38 days of employment to the extent they are not available
39 from other sources and are needed for the individual to
40 retain the employment.



1 (2) The county shall not continue to apply this option
2 if the number of participants it is able to serve decreases
3 by 10 percent or more in any year after the option is
4 implemented.

5 (3) The department shall seek any waiver from the
6 United States Department of Health and Human Services
7 that is necessary to obtain approval and federal financial
8 participation for the services under this subdivision. If a
9 waiver is necessary, this subdivision shall only be
10 operative for the duration of the waiver, as specified in
11 the declaration that federal approval for the waiver has
12 been obtained, which the director shall execute and
13 retain.

14 SEC. 7. Section 11323.6 of the Welfare and Institutions
15 Code is amended to read:

16 11323.6. (a) The cost of child care services provided
17 under this article shall be governed by regional market
18 rates. Participants shall be allowed to choose legal child
19 care and the cost of that child care shall be reimbursed by
20 counties if the cost is within the regional market rate. For
21 purposes of this section, “regional market rate” means
22 care costing no more than 1.5 market standard deviations
23 above the mean cost of care for that region.

24 (b) Reimbursement to child care providers shall not
25 exceed the fee charged to private clients for the same
26 service. Reimbursement shall be made at a rate lower
27 than that charged to private clients for the same service
28 if the child care program agrees to charge a lower fee.

29 (c) Reimbursement shall be made on a per month, per
30 week, per day, or per hour basis depending upon the basis
31 used to charge private clients for the same service.

32 (d) (1) For purposes of this article, regional market
33 rates shall be determined in accordance with resource
34 and referral programs provided for under Article 2
35 (commencing with Section 8210) of Chapter 2 of Part 6
36 of the Education Code, and the Alternative Payment
37 Program provided for under Article 3 (commencing with
38 Section 8220) of Chapter 2 of Part 6 of the Education
39 Code. Participant plans shall include immediate referrals
40 to local resource and referral agencies, as appropriate.



1 (2) Counties shall not be bound by the child care rate
2 limits described in subdivision (a) when the care is
3 provided in a region where there are no more than two
4 child care providers of the type needed by the
5 participant.

6 (e) (1) Day care by family members shall be
7 encouraged, but the choice between licensed or exempt
8 day care arrangements shall be made by the recipient.

9 (2) Reimbursement shall not be made for child care
10 services when care is provided by parents, legal
11 guardians, or members of the assistance unit, including,
12 but not limited to, essential persons.

13 (f) A child care provider located on an Indian
14 reservation and exempted from state licensing
15 requirements shall meet the conditions specified in
16 Section 11324 and applicable tribal standards.

17 SEC. 8. Section 11324.6 of the Welfare and Institutions
18 Code is amended to read:

19 11324.6. Any employment or training program
20 position created pursuant to this article, other than a
21 preemployment preparation position, may not be
22 created as a result of, or may not result in, any of the
23 following:

24 (a) Displacement or partial displacement of current
25 employees, including, but not limited to, a reduction in
26 hours of nonovertime and overtime work, wages, or
27 employment benefits.

28 (b) The filling of positions which would otherwise be
29 promotional opportunities for current employees.

30 (c) The filling of a position, prior to compliance with
31 applicable personnel procedures or provisions of
32 collective bargaining agreements.

33 (d) The filling of a position created by termination,
34 layoff, or reduction in work force, caused by the
35 employer's intent to fill the position with a subsidized
36 position pursuant to this article.

37 (e) A strike, lockout, or other bona fide labor dispute,
38 or violation of any existing collective bargaining
39 agreement between employees and employers.



1 SEC. 9. Section 11324.7 of the Welfare and Institutions
2 Code is amended to read:

3 11324.7. (a) The department shall provide a
4 grievance process for regular employees and their
5 representatives who wish to file a complaint that an
6 assignment to preemployment preparation, work
7 experience, on-the-job training, or any activity funded by
8 grant diversion violates any of the displacement
9 provisions contained in Section 11324.2, Section 11324.6,
10 or paragraph (6) of subdivision (g) of Section 11322.8, as
11 applicable, respecting any employment or training
12 position created pursuant to this article.

13 (b) (1) The grievance process established pursuant to
14 subdivision (a) shall consist of an informal procedure
15 followed by a hearing if the informal procedure fails to
16 resolve the complaint to the satisfaction of the
17 complainant.

18 (2) The grievance process shall be conducted in
19 accordance with rules and notification requirements
20 adopted and promulgated in federal law that also
21 provides for an appeal process to the United States
22 Department of Labor.

23 (3) The department shall issue instructions and
24 requirements for the grievance process.

25 (c) The department shall administer the employee
26 grievance process either directly or through the county
27 welfare departments, or may enter into agreements with
28 another state agency to administer all or any part of the
29 grievance process.

30 (d) Notwithstanding subdivisions (b) and (c), the
31 department shall require the use of any existing
32 grievance procedure that is part of a collective bargaining
33 agreement between the employer and the labor union
34 representing the regular employee, in lieu of the process
35 established by this section.

36 (e) Remedies for complaining regular employees in
37 the process established by this section shall include,
38 where appropriate, reinstatement, retroactive pay, and
39 retroactive benefits.



1 SEC. 10. Section 11324.8 of the Welfare and
2 Institutions Code is amended to read:

3 11324.8. (a) At the time an individual applies for aid
4 under this chapter, or at the time a recipient's eligibility
5 for aid is determined, the county shall do all of the
6 following:

7 (1) Provide the individual, in writing and orally as
8 necessary, with at least the following program
9 information:

10 (A) A general description of the education,
11 employment, and training opportunities and the
12 supportive services available, including transitional
13 benefits.

14 (B) A description of the exemptions from required
15 participation provided under this article and the
16 consequences of a refusal to participate in program
17 components, if not exempt.

18 (C) A description of the responsibility of the
19 participant to cooperate in establishing paternity and
20 enforcing child support obligations, and to assist
21 individuals in establishing paternity and obtaining child
22 support as a condition of eligibility.

23 (2) Determine whether the individual is required to
24 register for the program provided under this article. At
25 the time the determination is made, any individual who
26 is deemed to be required to register under this article
27 shall immediately register with the county welfare
28 department.

29 (b) At the time an individual registers pursuant to this
30 article, he or she shall receive a written preliminary
31 determination that he or she is a member of a targeted
32 group, for purposes of any applicable and operative
33 federal Targeted Jobs Tax Credit and California Jobs Tax
34 Credit. With respect to any person required to register
35 under this article, registration pursuant to this section
36 shall be a condition of eligibility for aid under this chapter,
37 except that any delay in registration due to circumstances
38 beyond the control of the individual shall not adversely
39 affect his or her eligibility for aid under this chapter.



1 (c) The recipient may appeal a determination that he
2 or she is required to register under this article or sign a
3 contract pursuant to Section 11325.21, through the
4 procedures set forth in Chapter 7 (commencing with
5 Section 10950) of Part 2.

6 (d) Persons not required to register may volunteer to
7 participate.

8 (e) An applicant for, or a recipient of, aid who is
9 dissatisfied with the terms of the contract may seek
10 redress through conciliation, as described in Section
11 11327.4.

12 (f) (1) In accordance with procedures specified by
13 the department, the county shall allow individuals to
14 express their desire to participate in the program and
15 provide instructions on how to enter the program.

16 (2) Notwithstanding paragraph (1), an indication of
17 preference not to participate shall not exempt individuals
18 required to register for the program from participation in
19 the program.

20 *SEC. 10.5. Section 11325 of the Welfare and*
21 *Institutions Code is amended to read:*

22 11325. (a) Persons who are not exempt but who meet
23 the following criteria shall not be required to participate
24 in program components, beyond appraisal as specified in
25 Section 11325.2, until the county welfare department
26 determines that the situation that permits
27 nonparticipation no longer exists:

28 (1) (A) A person who, at the time of appraisal, is
29 enrolled on a full-time basis in a program to earn a license,
30 certificate, or degree that will lead to employment.

31 (B) If the county welfare department does not agree
32 that the program will lead to employment, the registrant
33 shall be allowed to continue in the program if sufficient
34 documentation can be shown to demonstrate that the
35 program will lead to employment. Any of the following
36 shall be proof that a program leads to employment:

37 (i) A signed statement that an employer will give the
38 person a job upon program completion.

39 (ii) A list of three employers who have frequent
40 openings in the occupation pursued by the participant at



1 a skill level that can be achieved by the participant
2 through skill training components offered by the
3 program.

4 (iii) A statement from a school district, community
5 college, university, service delivery area, or employment
6 development office stating that the program will lead to
7 employment.

8 (C) If the individual is attending less than full time at
9 the time of appraisal but agrees to full-time attendance as
10 soon as possible, he or she shall be considered to be
11 attending on a full-time basis.

12 (D) A person subject to this subdivision shall
13 participate on a full-time basis and make satisfactory
14 progress in that program according to the standards of the
15 provider.

16 (E) A person may participate on a less than full-time,
17 but not less than half-time, basis if full-time participation
18 is not feasible due to good cause, as defined in Section
19 11328.

20 (2) A person who is so seriously dependent upon
21 alcohol or drugs that work or training is precluded. This
22 paragraph shall not apply in a county that has included
23 the option in subdivision (b) in its county plan.

24 (3) A person who is having an emotional or mental
25 problem that precludes participation.

26 (4) A person who is involved in legal difficulties, such
27 as court-mandated appearances that preclude
28 participation.

29 (5) A person who does not have the legal right to work
30 in the United States.

31 (6) A person who has a severe family crisis.

32 (7) A person who is in good standing in a union that
33 controls referrals and hiring in the occupation.

34 (8) A person who is temporarily laid off from a job with
35 a definite callback date.

36 (9) A person, or a family member, has a medically
37 verified illness.

38 (10) A woman in the first trimester of pregnancy.

39 (11) A person who lacks the necessary child care for
40 children described in paragraph (1) of subdivision (a) of



1 Section 11323.2 or for children described in that
2 paragraph who are not members of the assistance unit, or
3 a person who lacks necessary transportation.

4 (12) A person who is employed for 15 or more hours
5 per week and meets all of the following criteria:

6 (A) The individual is earning at least the state or
7 federal minimum wage, whichever is higher. This
8 requirement shall apply to the net earnings of a
9 self-employed individual, and it shall not apply during the
10 first six months of self-employment or employment
11 compensated by commission.

12 (B) The individual is also participating in activities
13 approved by the county welfare department that are
14 similar to job search, education, or training activities in
15 the program. This requirement may be met by making
16 satisfactory progress while participating in an education
17 or training program to earn a license, certificate, or
18 degree that will lead to employment, if the person is
19 enrolled in the program on at least a half-time basis by the
20 provider's standards. If the county welfare department
21 does not agree that the program will lead to employment,
22 the registrant shall be permitted to continue in the
23 program if sufficient documentation can be shown
24 through the process described in subparagraph (B) of
25 paragraph (1) to demonstrate that the program will lead
26 to employment.

27 (C) The combined hours of employment and
28 participation in other approved activities shall equal at
29 least 30 hours per week.

30 (b) (1) If provided in the county plan approved by
31 the department, the county shall permit participation to
32 be deferred by a person who is seriously dependent upon
33 alcohol or drugs only if the individual participates in, or
34 actively pursues access to, ~~a licensed~~ *an* alcohol or drug
35 treatment program *that is licensed, certified, or has a*
36 *contract with the state or county*. The county plan shall
37 describe the available treatment programs, including
38 programs providing services that are appropriate to the
39 needs of women with children.



1 (2) Notwithstanding paragraph (1), a person shall not
2 be required to participate in a ~~licensed~~ *an* alcohol or drug
3 treatment program *that is licensed, certified, or has a*
4 *contract with the state or county* to receive this deferral
5 when any of the following conditions exist:

6 (A) The person is on a waiting list to participate in a
7 program.

8 (B) The necessary child care services are not available.

9 (C) There is no treatment program available that is
10 appropriate to the individual's needs, as defined by the
11 department in regulations.

12 (3) A person who refuses to pursue the treatment
13 required as a condition for this deferral, and who
14 subsequently fails or refuses to comply with program
15 requirements, shall not have good cause for
16 noncompliance on the basis of his or her drug or alcohol
17 dependence.

18 (c) Participation of an individual who, upon entering
19 GAIN, is attending a self-initiated program that does not
20 meet the approval criteria in paragraph (1) of subdivision
21 (a) or in Section 11325.23 may be deferred in order to
22 permit completion of the program semester, quarter, or
23 increment of not more than six months.

24 (d) The department shall promulgate regulations that
25 specify when the county welfare department shall
26 determine whether an individual meets any of the
27 criteria listed in subdivisions (a), (b), and (c).

28 (e) This section shall not apply to individuals subject
29 to Article 3.5 (commencing with Section 11331), during
30 the time that article is operative.

31 (f) For all other registrants, the county shall develop
32 an employment plan.

33 (g) The county welfare department shall review the
34 deferral for its continuing appropriateness in accordance
35 with the projected length of the deferral, but not less than
36 every 12 months. The participant shall cooperate with the
37 county welfare department and provide information,
38 including written documentation, as required to
39 complete the deferral review.



1 SEC. 11. Section 11325.2 of the Welfare and
2 Institutions Code is amended to read:

3 11325.2. (a) At the time a registrant enters the
4 program, the county shall conduct an appraisal pursuant
5 to regulations adopted by the department. At a
6 minimum, the appraisal shall provide information about
7 the registrant in the following areas:

8 (1) Employment history.

9 (2) Need for basic education services due to a lack of
10 basic literacy or mathematics skills, a high school diploma
11 or its equivalent, or English language skills.

12 (3) Need for a delay in program participation pursuant
13 to Section 11325.

14 (4) Need for supportive services as described in
15 Section 11323.2.

16 (b) This section shall not apply to individuals subject
17 to Article 3.5 (commencing with Section 11331) during
18 the time that article is operative.

19 SEC. 12. Section 11325.21 of the Welfare and
20 Institutions Code is amended to read:

21 11325.21. (a) Any individual who enters the program
22 pursuant to this article shall enter into a written contract
23 with the county welfare department.

24 (b) The county shall allow the participant three
25 working days after signing the contract or subsequent
26 amendments to the contract in which to evaluate and
27 request changes to the terms of the contract.

28 (c) The contract shall be written in clear and
29 understandable language, and have a simple and
30 easy-to-read format.

31 (d) The contract shall contain at least all of the
32 following general information:

33 (1) A general description of the program provided for
34 in this article, including available program components
35 and supportive services.

36 (2) A general description of the rights, duties, and
37 responsibilities of program participants, including a list of
38 the exemptions from the required participation under
39 this article, the consequences of a refusal to participate in



1 program components, and criteria for successful
2 completion of the program.

3 (3) A description of the grace period required in
4 paragraph (6) of subdivision (b) of Section 11325.22.

5 (e) The contract shall specify, and shall be amended to
6 reflect changes in, the participant's employment goal, a
7 description of services to be provided in accordance with
8 Sections 11322.6, 11322.8, and 11323.1 as needed to attain
9 the goal, and specific requirements for successful
10 completion of assigned activities including required
11 hours of participation.

12 The contract shall also include a general description of
13 supportive services pursuant to Section 11323.2 that are
14 to be provided as necessary for the participant to
15 complete assigned program activities.

16 (f) Any assignment to a program component shall be
17 reflected in the contract or an amendment to the
18 contract. The county and the recipient shall be bound by
19 the terms of the contract or any amendments thereto.
20 The participant shall maintain satisfactory progress
21 toward the goal of employment through the methods set
22 forth in the contract, and the county shall provide the
23 services specified in the contract, except that the county
24 shall not be bound by the terms of a contract between the
25 participant and another county.

26 (g) A participant shall not be placed involuntarily in
27 any other training or education component while waiting
28 to begin participating in an assignment specified in the
29 contract.

30 (h) This section shall not apply to individuals subject
31 to Article 3.5 (commencing with Section 11331) during
32 the time that article is operative.

33 SEC. 13. Section 11325.22 of the Welfare and
34 Institutions Code is amended to read:

35 11325.22. (a) (1) Following the appraisal required
36 by Section 11325.2, all participants except those described
37 in paragraph (2) of this subdivision, shall be assigned to
38 participate for a period of three weeks in job search
39 services. These services may include any of the services
40 described in Section 11322.6 that are appropriate to the



1 participant's needs. The period of job search services may
2 be shortened if the participant and the county agree, in
3 writing in the participant contract, that further services
4 would not be beneficial. The period of job search services
5 may be extended up to the limits specified in subdivision
6 (f) of Section 11322.6 if the county and the participant
7 agree, in writing in the participant contract, that
8 continued job search efforts are likely to lead to
9 employment.

10 (2) The following individuals shall not be required, but
11 may be permitted, to participate in job search services as
12 their first program assignment following appraisal:

13 (A) A person subject to subdivision (d) of Section
14 11320.3 shall be required to participate in job search
15 services as provided in paragraph (1) upon earning a high
16 school diploma or its equivalent, if she or he has not
17 already taken the option to complete these services as the
18 first program assignment following appraisal.

19 (B) A person who has been determined by the county
20 pursuant to regulations developed by the department to
21 lack the skills or education necessary to succeed in even
22 the most unskilled employment. The individual shall be
23 required to participate in job search services as provided
24 in paragraph (1) when the participant and county agree
25 in writing in the participant contract that sufficient skills
26 and education have been acquired to enable the
27 individual to benefit from those services. This
28 requirement shall not apply to a participant who has
29 already taken the option to complete these services as the
30 first program activity following appraisal.

31 (C) A person who is enrolled in, or attending in good
32 standing, an approved self-initiated program as specified
33 in Section 11325.23.

34 (D) A person who has participated in job search
35 activities under an employment program within the
36 previous six months, if the county determines that
37 another period of job search would not be beneficial.

38 (E) A person who has returned to the county's
39 program under this article within a two-year period, has
40 only participated in appraisal and the services provided



1 in this subdivision, and has held, but not retained, two or
2 more jobs during the two-year period.

3 (F) A person who expresses a desire to be assigned to
4 a basic education activity if the individual lacks a high
5 school diploma or its equivalent and has held, but not
6 retained, two or more jobs during the two-year period
7 prior to appraisal. This person shall be required to
8 participate in job search services as provided in
9 paragraph (1) upon earning a high school diploma or its
10 equivalent, if he or she has not already taken the option
11 to complete these services as the first program
12 assignment following appraisal.

13 (b) (1) Upon the completion of job search services, or
14 a determination that those services are not required in
15 accordance with paragraph (2) of subdivision (a), the
16 participant shall be assigned to one or more of the
17 activities described in Section 11322.8 and 11323.1 as
18 needed to attain his or her employment goal.

19 (2) (A) The assignment to one or more of the
20 program activities as required in paragraph (1) of this
21 subdivision shall be based on the employment plan
22 developed pursuant to an assessment as described in
23 Section 11325.4. The employment plan shall be based, at
24 a minimum, on consideration of the individual's existing
25 education level, employment experience and
26 employment goals, available program resources, and
27 local labor market opportunities.

28 (B) An assessment shall be performed upon
29 completion of job search services or a determination that
30 those services are not required as the first activity. For an
31 assignment to training in business development and
32 self-employment, the assessment shall be performed as
33 required in Section 11323.1.

34 (C) Notwithstanding subparagraphs (A) and (B), an
35 assessment shall not be required to develop an
36 employment plan for a person who is participating in an
37 approved self-initiated program pursuant to Section
38 11325.23.

39 (3) A participant who lacks basic literacy or
40 mathematics skills, a high school diploma or general



1 educational development certificate, or English language
2 skills, shall be assigned to participate in adult basic
3 education as described in subdivision (c) of Section
4 11322.8, as appropriate and necessary for achievement of
5 the individual's employment goal.

6 (4) A participant shall not be assigned to a program
7 component provided in Section 11322.8, excluding
8 activities described in subdivision (c) of Section 11322.8,
9 that exceeds two years or, with respect to classroom
10 education or training, two academic years. The two-year
11 period may be extended, one time only, for a period not
12 to exceed six months if it is reasonable to expect that the
13 component will be completed within the extended
14 period and the individual has been unable to complete
15 the component due to any of the following circumstances:

16 (A) The individual's basic skills needs required more
17 class time than was estimated at the commencement of
18 the component.

19 (B) The school or college did not offer required classes
20 in a sequence that permitted completion of the
21 component program within the prescribed time period.

22 (C) The individual had a personal or family crisis that
23 resulted in the inability to complete the component
24 without the additional six-month period of attendance.

25 (D) The individual worked a minimum of 10 hours per
26 week in employment paying at least the state or federal
27 minimum wage, whichever is greater, for no less than six
28 months while participating in the assigned program.

29 (5) (A) Participation in activities assigned pursuant
30 to this section may be sequential or concurrent. The
31 county may require concurrent participation in the
32 assigned activities if it is appropriate to the participant's
33 abilities, consistent with the participant's employment
34 plan, and the activities can be concurrently scheduled.

35 (B) The combined hours of participation in assigned
36 concurrent activities shall not exceed 32 hours per week
37 for an individual who has primary responsibility for
38 personally providing care to a child under six years of age,
39 or 40 hours per week for any other individual.



1 (6) The participant has 30 days from the beginning of
2 a training or education assignment in which to request a
3 change or reassignment to another component. The
4 county shall grant the participant's request for
5 reassignment if another component is available, or
6 expected to be available within a reasonable period of
7 time, that is consistent with the participant's employment
8 plan. This grace period shall be available only once to
9 each participant.

10 (7) In the case of an individual who is an applicant for
11 aid under this chapter and who is required to register
12 pursuant to this article, mandated activities shall be
13 limited to those necessary to enter into a written contract
14 as specified in Section 11325.21, and to participation in job
15 services as specified in subdivision (a) of this section.

16 (c) Any assignment or change in assignment to a
17 program activity pursuant to this section shall be included
18 in the participant contract, or an amendment to the
19 contract, as required in Section 11325.21.

20 (d) If unsubsidized employment is not obtained upon
21 completion of activities included in the employment
22 plan, including any plan that provides for a self-initiated
23 program as described in Section 11325.23, the participant
24 shall be assigned to job search services for a period not to
25 exceed the limits set in subdivision (f) of Section 11322.6.
26 These services may include any of the services described
27 in Section 11322.6 that the county determines are
28 appropriate to the participant's needs.

29 (e) (1) A participant who has not yet received an
30 assessment and has not obtained unsubsidized
31 employment upon completion of the job search services
32 required in subdivision (d) shall be referred to
33 assessment pursuant to Section 11325.4. Based on the
34 employment plan developed as a result of the assessment,
35 the participant may be assigned to additional program
36 activities in accordance with subdivision (b).

37 (2) A participant who has not obtained unsubsidized
38 employment upon completion of the activities in an
39 employment plan developed pursuant to an assessment
40 and the job search services required by subdivision (d)



1 shall be referred to reappraisal as described in Section
2 11326.

3 (f) Notwithstanding subdivisions (a) to (e), inclusive,
4 the department shall adopt regulations or policies, as
5 required by federal law, that specify the participation
6 requirements with which one parent in a family eligible
7 for aid under this chapter due to the unemployment of
8 the principal wage earner is required to comply.

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

16 (h) This section shall not apply to individuals subject
17 to Article 3.5 (commencing with Section 11331) during
18 the time that article is operative.

19 SEC. 14. Section 11325.23 of the Welfare and
20 Institutions Code is amended to read:

21 11325.23. (a) (1) Any individual who, at the time of
22 appraisal, is enrolled in, or attending in good standing, a
23 self-initiated educational or vocational training program
24 that is likely to lead to unsubsidized employment in an
25 occupation in demand may continue to participate in that
26 program until completion of the program for a period not
27 to exceed two years from the date the contract reflecting
28 the self-initiated program is signed.

29 (2) The individual's program shall be scheduled to be
30 completed within the two-year period. The two-year
31 period may be extended, one time only, for a period not
32 to exceed six months if it is reasonable to expect that the
33 self-initiated program will be completed within the
34 extended period and the individual has been unable to
35 complete the component due to any of the following
36 circumstances:

37 (A) The individual's basic skills needs required more
38 class time than was estimated at the commencement of
39 the program.



1 (B) The school or college did not offer required classes
2 in a sequence that permitted completion of the
3 self-initiated program within the prescribed time period.

4 (C) The individual had a personal or family crisis that
5 resulted in the inability to complete the program without
6 the additional six-month period of attendance.

7 (D) The individual worked a minimum of 10 hours per
8 week in employment paying at least the state or federal
9 minimum wage, whichever is greater, for no less than six
10 months while participating in the assigned program.

11 (b) In order to continue in a self-initiated training or
12 education program, an applicant for, or recipient of, aid
13 under this chapter shall need the education or training in
14 order to become employable in unsubsidized
15 employment. Any individual who meets either of the
16 following criteria shall be deemed to be employable:

17 (1) Possesses a baccalaureate degree.

18 (2) Has the education or job skills necessary to obtain
19 unsubsidized employment in an occupation in demand
20 that will provide the individual with an income at least
21 equal to two times the federal poverty line for the
22 appropriate family size. A county may waive this
23 requirement if an individual is able to demonstrate that,
24 due to compelling personal circumstances, employment
25 in the previous occupation is not realistic including, but
26 not limited to, a work-related disability, inability to obtain
27 required union membership, or hours of employment
28 that cause a severe hardship on the recipient's family.

29 (c) (1) Supportive services reimbursement shall be
30 limited to child care and transportation for any
31 participant in a self-initiated training or education
32 program approved under this subdivision. This
33 reimbursement shall be provided if no other source of
34 funding for those costs is available.

35 (2) Any offset to supportive services payments shall be
36 made in accordance with subdivisions (d) and (e) of
37 Section 11323.4.

38 (d) (1) In order to continue in a self-initiated training
39 or education program, a GAIN participant shall be
40 attending at least full time and shall make satisfactory



1 progress as periodically measured according to the
2 standards of the program in which the individual is
3 enrolled. If the individual is attending less than full time
4 upon entry into GAIN but she or he agrees to full-time
5 attendance as soon as possible, the individual shall be
6 considered to be attending on a full-time basis.

7 (2) A GAIN participant may participate on less than a
8 full-time basis, but not less than on a half-time basis, if
9 full-time participation is not feasible due to good cause as
10 defined in Section 11328.

11 (e) Participation in the self-initiated education or
12 vocational training program shall be reflected in the
13 contract required by Section 11325.21. The contract shall
14 provide that whenever an individual ceases to participate
15 in, refuses to attend regularly, or does not maintain
16 satisfactory progress in the self-initiated program, the
17 individual shall participate in the program in accordance
18 with Section 11325.22.

19 (f) Any person whose previously approved
20 self-initiated education or training program is
21 interrupted for reasons that meet the good cause criteria
22 specified in Section 11328 may resume participation in
23 the same program if the participant maintained good
24 standing in the program while participating and the
25 self-initiated program continues to meet the approval
26 criteria. The county shall adjust the completion date of
27 the program accounting for the time of absence to allow
28 the participant a cumulative total of two years to
29 complete the program.

30 (g) If the individual has not obtained unsubsidized
31 employment upon completion of the self-initiated
32 program, the individual shall participate in accordance
33 with subdivisions (d) and (e) of Section 11325.22.

34 (h) In the event a county welfare department does not
35 agree that the participant's occupational goal is likely to
36 lead to employment, the participant shall be permitted to
37 continue pursuing that goal if sufficient documentation
38 can be shown to demonstrate that the local labor market
39 provides reasonable opportunities to work in the desired
40 occupation. The county welfare department shall give



1 participants whose self-initiated plan has been denied the
2 chance to demonstrate that the local labor market
3 presents job opportunities in the chosen occupation.
4 Proof that job opportunities exist include, but are not
5 limited to:

6 (1) A signed statement that an employer will give the
7 person a job upon program completion.

8 (2) A list of three employers who have frequent
9 openings in the occupation pursued by the participant
10 and at a skill level that can be achieved by the participant
11 through skill training components offered by the
12 program.

13 (3) A statement from a school district, community
14 college district, service delivery area, or Employment
15 Development Department office identifying the
16 occupation as a demand occupation in the local labor
17 market.

18 (i) Notwithstanding subdivision (a) to (g), inclusive,
19 the department shall adopt regulations or policies, as
20 required by federal law, that specify the participation
21 requirements with which one parent in a family eligible
22 for aid under this chapter due to the unemployment of
23 the principal wage earner is required to comply.

24 (j) This section shall not apply to individuals subject to
25 Article 3.5 (commencing with Section 11331) during the
26 time that article is operative.

27 SEC. 15. Section 11326 of the Welfare and Institutions
28 Code is amended to read:

29 11326. (a) The county shall conduct a reappraisal of
30 any participant who does not obtain unsubsidized
31 employment upon completion of all activities included in
32 a postassessment employment plan developed pursuant
33 to Section 11325.4 and job search services required by
34 subdivision (d) of Section 11325.22. The reappraisal shall
35 evaluate whether there are extenuating circumstances as
36 defined by the department that prevent the participant
37 from obtaining employment within the local labor
38 market area with the education and training previously
39 received.



1 (b) Upon a determination that extenuating
2 circumstances exist, the participant shall be assigned to
3 receive additional services in accordance with
4 subdivision (b) of Section 11325.22 as the county
5 determines to be appropriate and necessary.

6 (c) Upon a determination that no extenuating
7 circumstances exist, and until this determination is
8 reversed, the participant shall only receive the following
9 services:

10 (1) Preemployment preparation or other work
11 experience assignment. The participant shall continue to
12 seek employment during the preemployment
13 preparation or work experience assignment. A county
14 that is operating under a cost reduction plan pursuant to
15 Section 11322.2 may limit the individual's participation in
16 these activities to one year.

17 (2) Job search services as described in Section 11322.6
18 for a period not to exceed eight weeks per year.

19 (d) (1) A preemployment preparation or work
20 experience assignment pursuant to subdivision (c) shall
21 meet the requirements of paragraph (2) if the participant
22 meets all of the following criteria:

23 (A) Does not meet any of the exemption or deferral
24 criteria specified in Sections 11320.3 and 11325.

25 (B) Is unemployed or employed for less than 15 hours
26 per week.

27 (C) Has received aid payments pursuant to Section
28 11450 for 22 out of the last 24 months.

29 (2) An individual who meets the criteria in paragraph
30 (1) shall be required to participate at least 100 hours per
31 month in a preemployment preparation or work
32 experience assignment that is appropriate to his or her
33 skills and abilities. The hours of participation in a
34 preemployment preparation assignment shall exceed 100
35 hours per month if required by paragraph (3) or (4) of
36 subdivision (b) of Section 11322.8. A work experience
37 assignment may be appropriate community service that
38 includes, but is not limited to, volunteer hours in a school,
39 hospital, public library, or park and recreation district.



1 (3) The department shall seek the federal waivers that
2 are necessary to implement this subdivision. This
3 subdivision shall only be operative for the duration of the
4 waivers, as specified in the declaration that federal
5 approval for the waivers has been obtained, which the
6 director shall execute and retain.

7 (e) If an individual fails or refuses to comply without
8 good cause with the requirements of this section, the
9 conciliation provisions of Section 11327.4 and the sanction
10 provisions of Section 11327.5 shall apply.

11 SEC. 16. Section 11327.4 of the Welfare and
12 Institutions Code is amended to read:

13 11327.4. (a) (1) Whenever an individual has failed
14 or refused to comply with program requirements without
15 good cause in a program component to which he or she
16 is assigned pursuant to this article, and the participant
17 continues to fail or refuse to comply with program
18 requirements after a period of conciliation between the
19 county and the participant, the individual shall be subject
20 to sanctions specified in Section 11327.5.

21 (2) For the purposes of this article, “failing or refusing
22 to comply with program requirements” shall be limited
23 to: failing or refusing to sign a participant contract,
24 participate or provide required proof of satisfactory
25 progress in an assigned program activity, or accept
26 employment; terminating employment; or reducing
27 earnings. For the purposes of this subdivision, assigned
28 program activities include, but are not limited to,
29 orientation, assigned job search, education or training
30 activities, including self-initiated programs pursuant to
31 Section 11325.23, appraisal, and assessment or reappraisal
32 appointments. To the extent required by federal law or
33 regulations, an individual who participates in the GAIN
34 program and subsequently obtains employment of 30
35 hours or more per week and who remains on aid shall be
36 considered to be refusing to comply with program
37 requirements if he or she terminates that employment
38 without good cause.

39 (b) (1) The county shall schedule a time during
40 which each individual who has failed or refused to comply



1 with program requirements has an opportunity to
2 demonstrate that he or she had good cause for that refusal
3 or failure. The county shall schedule an appointment
4 within 10 working days of the discovery of the
5 nonparticipation. The individual shall be allowed to
6 reschedule the cause determination appointment once.
7 This rescheduled appointment shall take place within
8 five working days of the initial appointment, unless
9 delayed by extenuating circumstances. The cause
10 determination process shall not exceed 15 working days
11 from the date of discovery of the nonparticipation, unless
12 delayed by extenuating circumstances.

13 (2) The county shall send a written notice that shall do
14 all of the following:

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

17 (B) Include a list of the reasons that constitute good
18 cause for not participating in the program.

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

22 (D) Inform the individual that failure to either attend
23 the cause determination appointment or reschedule this
24 appointment shall result in a cause determination in his
25 or her absence, based on available evidence.

26 (3) Whenever a determination of good cause has been
27 made, the county shall issue a written notice to the
28 individual that reflects this determination.

29 (c) When a county determines that a person failed or
30 refused to meet program requirements without good
31 cause, the county shall notify the individual, in writing, of
32 this determination. Except as provided in subdivision (d),
33 the notice also shall inform the individual that he or she
34 has entered into a 20-calendar-day period of conciliation,
35 during which the county and the individual shall attempt
36 to resolve any problems that are contributing to the
37 failure or refusal to meet program requirements. This
38 notice shall be mailed within five working days of the
39 cause determination, unless delayed by extenuating
40 circumstances. The 20-calendar-day period shall begin on



1 the date the county issues the notice of the beginning of
2 conciliation.

3 (d) (1) If the individual fails to respond to the
4 county's notice for a cause determination meeting and
5 the county determines there was not good cause for the
6 noncompliance, the county shall issue a notice of action.
7 This notice shall inform the individual that a
8 20-calendar-day period of conciliation has begun and that
9 a sanction will be imposed if the individual fails to contact
10 the county to establish good cause or agree on a
11 conciliation plan within 20 calendar days from the date
12 the notice of action is issued.

13 (2) If the individual contacts the county pursuant to
14 the notice of action required in paragraph (1), a
15 20-calendar-day period of conciliation shall begin on the
16 date the county issued the notice and shall be conducted
17 as specified in subdivisions (e) to (k), inclusive. If the
18 individual then fulfills the terms of the conciliation plan,
19 an instance of noncompliance shall not be considered to
20 have occurred. If the individual enters into a written
21 conciliation plan but does not fulfill the terms of the plan,
22 and, pursuant to subdivision (i), it is determined that the
23 individual did not have good cause for failure to meet the
24 terms of the plan, the county shall send a notice of action
25 to impose the sanction. As provided in subdivision (f), the
26 conciliation period shall be terminated and an instance of
27 noncompliance shall not have occurred upon a reversal
28 of the determination that the individual did not have
29 good cause for noncompliance.

30 (3) If the individual contacts the county and schedules
31 a conciliation appointment, but fails to attend or
32 reschedule the appointment, the county shall contact the
33 individual by phone or in writing, if necessary, to attempt
34 to determine the cause.

35 (4) If the individual fails to contact the county within
36 20 calendar days, he or she will be considered to have
37 failed conciliation and the sanction shall be imposed in
38 accordance with Section 11327.5. The sanction shall take
39 effect on the first day of the first payment month
40 following the end of the 20-calendar-day period.



1 (5) If necessary for the implementation of this
2 subdivision, the department shall seek approval for a
3 waiver from the United States Department of Health and
4 Human Services. The subdivision shall be operative for
5 the duration of any necessary waiver, as specified in the
6 declaration that federal approval for the waiver has been
7 obtained, which the director shall execute and retain.

8 (e) The notice that begins the conciliation period as
9 required in subdivision (c) or (d) shall identify the
10 specific act or actions that have caused the individual to
11 be out of compliance with participation requirements
12 under this article, the proposed steps that the registrant
13 may take to resolve the problem, the right to offer a
14 counterproposed conciliation plan, and the names,
15 telephone numbers, and addresses of the local legal
16 services office and welfare rights office, or the Coalition
17 of California Welfare Rights Organizations if there is no
18 welfare rights or legal aid office in the county, who could
19 assist the individual with conciliation. The notice shall also
20 identify the transportation and child care services
21 available to the individual as needed to attend the
22 conciliation meeting and, except for an individual subject
23 to subdivision (d), the date and time of the conciliation
24 appointment.

25 (f) Any issue that directly affects an individual's failure
26 or refusal to meet program requirements may be
27 discussed during conciliation. This includes providing
28 further information demonstrating the individual had
29 good cause for his or her nonparticipation. The individual
30 also may request a supervisor of employees to review the
31 good cause determination. If, as a result of a supervisor's
32 review, the determination that the individual did not
33 have good cause is reversed, the county shall notify the
34 individual in writing of this reversal and that the
35 conciliation period has been terminated.

36 (g) In conducting conciliation, the county shall
37 schedule a meeting to discuss and resolve those issues
38 preventing the individual from complying with program
39 requirements. The county shall reschedule the meeting
40 once at the request of the individual.



1 (h) When the individual and the county reach
2 agreement on program participation during the
3 conciliation period, a written conciliation plan shall be
4 entered into and signed by the county and the individual.
5 If the individual subsequently fulfills the terms of the
6 conciliation plan, conciliation shall be considered
7 successful. The conciliation plan shall specify that the
8 individual must complete, or participate for three months
9 in, the agreed upon activity or activities, whichever is
10 shorter.

11 (i) If an individual fails to fulfill the terms of the
12 conciliation plan as specified in subdivision (h), the
13 county shall make reasonable efforts during a
14 10-calendar-day period to contact the individual to
15 determine the reason for the failure, and shall maintain
16 written documentation of those efforts. If the county
17 determines, based on information available to it after
18 making a reasonable effort to contact the individual, that
19 the individual did not have good cause for the failure to
20 meet the terms of the conciliation plan, sanctions shall be
21 imposed in accordance with Section 11327.5.

22 (j) The county may shorten the 20-calendar-day
23 conciliation period only if one of the following conditions
24 is met:

25 (1) Both the individual and the county agree, in
26 writing, to terminate conciliation.

27 (2) The determination of no good cause has been
28 reversed.

29 (k) If, at the end of the 20-calendar-day conciliation
30 period, the individual continues to fail or refuse to comply
31 with program requirements, sanctions shall be imposed
32 in accordance with Section 11327.5. An additional
33 10-calendar-day extension of the conciliation period shall
34 be available upon the agreement of the individual and the
35 county only if both of the following conditions are met:

36 (1) The client has made a reasonable effort to
37 conciliate during the initial 20-calendar-day conciliation
38 period, and significant progress has been made toward a
39 resolution to the dispute during that time.



1 (2) The county believes that an additional 10 calendar
2 days of conciliation is likely to lead to agreement between
3 the individual and the county on a conciliation plan.

4 (I) For the purpose of determining the length of the
5 sanction that applies to an individual as described in
6 Section 11327.5, an instance of noncompliance without
7 good cause is considered to have occurred when the
8 county issues a notice of action proposing to impose the
9 sanction.

10 SEC. 17. Section 11328 of the Welfare and Institutions
11 Code is amended to read:

12 11328. No sanctions shall be applied for a failure or
13 refusal to comply with program requirements with good
14 cause. Good cause for failure or refusal to comply with
15 program requirements shall include all of the following:

16 (a) An assignment, job referral, or job does not meet
17 appropriate work and training criteria due to any of the
18 following:

19 (1) The employment, offer of employment, activity or
20 other training for employment discriminates in terms of
21 age, sex, race, religion, ethnic origin, or physical or mental
22 handicap.

23 (2) The employment or offer of employment, exceeds
24 the daily or weekly hours of work customary to the
25 occupation.

26 (3) The employment, offer of employment, activity, or
27 other training for employment requires travel to and
28 from the place of employment, activity, or other training
29 and one's home that exceeds a total of two hours in
30 round-trip time, exclusive of the time necessary to
31 transport family members to a school or place providing
32 care, or, when walking is the only available means of
33 transportation, the round-trip is more than two miles,
34 exclusive of the mileage necessary to accompany family
35 members to a school or a place providing care.

36 (4) The employment, offer of employment, activity, or
37 other training for employment involves conditions and
38 specific responsibilities that impair the individual's
39 physical or mental health or are not related to the



1 individual's capability to perform the task on a regular
2 basis.

3 (5) The employment, offer of employment, activity, or
4 other training for employment involves conditions that
5 are in violation of applicable health and safety standards.

6 (6) The employment, offer of employment, or work
7 activity does not provide for worker's compensation
8 insurance.

9 (7) An employment or training program position
10 utilized pursuant to this article may not be created in
11 violation of Section 11324.2, Section 11324.6, or paragraph
12 (6) of subdivision (g) of Section 11322.8, as applicable.

13 (8) The employment, offer of employment, activity, or
14 other training is not within the scope of the employment
15 plan as contained in the contract provided for under this
16 article.

17 (9) Accepting the employment, offer of employment,
18 or work activity would cause the individual to violate the
19 terms of his or her union membership.

20 (10) Accepting the employment, offer of
21 employment, or work activity would cause an
22 interruption in an approved education or job training
23 program in progress, excluding preemployment
24 preparation as described in subdivision (b) of Section
25 11322.8 or other community work experience
26 assignments, or would prevent the individual from
27 returning to his or her regular job within a reasonable
28 time, unless the job offer provides either of the following:

29 (A) Employment and sufficient income to lead to
30 self-support and the job offer is within the scope of the
31 employment plan.

32 (B) Temporary employment while the individual is
33 waiting for reemployment in his or her regular job.

34 (11) The participant is not receiving the supportive
35 services agreed to under the contract entered into
36 pursuant to this article.

37 (12) In addition to good cause as specified in this
38 section, no sanction shall be applied to any participant
39 who is absent or tardy for periods up to 10 percent of the
40 monthly hours required for any component, or the



1 provider's standard. However, this time shall not
2 accumulate.

3 (13) The employment or offer of employment is at a
4 wage level that results in a net loss of income, in
5 accordance with subdivision (k).

6 (14) The employment, offer of employment, or
7 required activity requires the individual to remain away
8 from home overnight without his or her consent.

9 (15) The employment, offer of employment, or
10 required activity exceeds 20 hours per week for parents
11 who are personally providing care for children who are
12 under six years of age. This criterion shall not apply to
13 persons with primary responsibility for personally
14 providing care to children aged three to five years,
15 inclusive, during any period in which subparagraph (D)
16 of paragraph (6) of subdivision (b) of Section 11320.3 is
17 implemented, as specified in the declaration executed by
18 the director upon federal approval for implementation of
19 that subparagraph.

20 (b) The individual is temporarily physically
21 incapacitated or suffers temporary physical illness.

22 (c) The individual is required to appear in a court
23 proceeding or is incarcerated.

24 (d) The individual is suffering a family crisis or
25 changed individual family circumstance as evidenced, for
26 example, by the death of a spouse, parent, or child or an
27 illness of a spouse, parent, or child which requires the
28 individual's immediate attention.

29 (e) Inclement weather or other act of nature
30 precludes the individual and other persons similarly
31 situated from traveling to an activity.

32 (f) There is a breakdown in transportation
33 arrangements with no ready access to alternate
34 transportation.

35 (g) The individual needs any other necessary social
36 service not specifically mentioned in his or her contract.

37 (h) An individual refuses to accept major medical
38 services even if the refusal precludes participation in the
39 program.



1 (i) Licensed or exempt child care is not reasonably
2 available, or is not reasonably available during the
3 individual's hours of training or employment including
4 commuting time, or arrangements for child care have
5 broken down or have been interrupted, or child care is
6 needed for a child who meets the criteria of paragraph
7 (1) of subdivision (a) of Section 11323.2 but who is not
8 included in the assistance unit. For purposes of this
9 section, "reasonably available" means having at least two
10 choices of child care arrangements. The choices of day
11 care shall meet either licensing requirements or the
12 requirements of Section 11324. This good cause criterion
13 shall include the unavailability of suitable special needs
14 child care for children with identified special needs,
15 including, but not limited to, disabilities or chronic
16 illnesses.

17 (j) An individual is engaged in employment or
18 training that is consistent with the employability
19 objectives of the program, and prior notification and
20 approval from the worker has been received.

21 (k) Net loss of income would occur pursuant to the
22 conditions provided for in this subdivision, if an offer of
23 employment which results in a net income of less than 100
24 percent of a person's grant is accepted. Net loss of income
25 shall be deemed to occur when current income is greater
26 than the postemployment income would be if the job
27 offer were accepted. "Postemployment income" means
28 gross income less necessary work-related expenses as
29 follows: mandatory and legal deductions from the
30 proposed salary, transportation, and child care including
31 the child care share of cost for individuals eligible for
32 transitional child care. Gross income and work-related
33 expenses shall be defined so as to ensure receipt of federal
34 financial participation.

35 For purposes of computing postemployment income,
36 the regional market rate for child care, transportation,
37 and other mandatory work-related expenses shall be
38 used. Regional market rates for child care shall be
39 determined in accordance with the Alternative Payment
40 Program as provided for under Article 3 (commencing



1 with Section 8220) of Chapter 2 of Part 6 of the Education
2 Code.

3 (l) Any other substantial and compelling reason not
4 specified in this section, to be determined at the
5 discretion of the county.

6 SEC. 18. Section 11329.2 of the Welfare and
7 Institutions Code is amended to read:

8 11329.2. (a) The department shall seek any federal
9 funds available for implementation of this article,
10 including, but not limited to, funds available under Title
11 IV of the federal Social Security Act (42 U.S.C. Sec. 601 et
12 seq.) for the Employment Search Program and the
13 Community Work Experience Program.

14 (b) (1) The department shall seek any waiver from
15 the Secretary of the United States Department of Health
16 and Human Services which is necessary to implement this
17 article.

18 (2) Any provision of this article that may only be
19 implemented pursuant to a waiver from the United States
20 Department of Health and Human Services shall only be
21 operative during the period for which the waiver is
22 granted, as stated in a declaration that shall be executed
23 by the director when the waiver is obtained.

24 SEC. 19. Section 11330.1 of the Welfare and
25 Institutions Code is amended to read:

26 11330.1. (a) Custodial parents 16 or 17 years of age
27 who are required to register pursuant to Section 11320.3
28 shall be required to participate in the program, subject to
29 both of the following requirements:

30 (1) The custodial parent shall participate in the
31 program until the registrant earns his or her high school
32 diploma or its equivalent.

33 (2) The custodial parent shall participate in the
34 program as a student attending school on a full-time basis,
35 as normally defined by the program in which the
36 participant enrolls.

37 (b) For the purposes of this article, “teen” or “teenage
38 parent” means a custodial parent under 18 years of age,
39 who is required to register pursuant to Section 11320.3.



1 SEC. 20. Section 11331.5 of the Welfare and
2 Institutions Code is amended to read:

3 11331.5. (a) Recipients of aid under this chapter who
4 are under 19 years of age, who are pregnant or custodial
5 parents, and who are required to register pursuant to
6 Section 11320.3 shall be required to participate in the
7 program, subject to both of the following requirements:

8 (1) The teenage parent shall participate in the
9 program until the registrant earns his or her high school
10 diploma or its equivalent.

11 (2) The teenage parent shall participate in the
12 program as a student attending school on a full-time basis,
13 as normally defined by the school in which the participant
14 enrolls.

15 (b) For the purpose of subdivision (a), exemptions
16 from registration specified in paragraphs (1), (2), (4),
17 (5), (6), (7), and (8) of subdivision (b) of Section 11320.3
18 and the deferrals from participation in Section 11325 shall
19 not apply.

20 (c) Notwithstanding subdivision (a), the county shall
21 exempt a teenage parent from the program as verified by
22 the county when any of the following conditions occur:

23 (1) The teenage parent is expelled from school and
24 obtains verification that no other school in the district will
25 permit him or her to attend, and the case manager cannot
26 arrange for enrollment in an alternative school.

27 (2) The teenage parent cannot receive payment for
28 child care or transportation expenses due to lack of
29 program funding.

30 (3) Child care is necessary and unavailable.

31 (4) Public or private transportation is necessary and
32 unavailable.

33 (5) An AFDC-FC payment is made on behalf of the
34 teenage parent.

35 (d) For the purposes of this article, “teen” or “teenage
36 parent” means a custodial parent or pregnant woman
37 under 19 years of age, who is required to participate
38 pursuant to subdivision (a).

39 SEC. 21. Section 11334 of the Welfare and Institutions
40 Code is amended to read:



1 11334. Upon graduation from high school,
2 participants shall not be entitled to exemption from
3 GAIN pursuant to paragraph (6) of subdivision (b) of
4 Section 11320.3.

5 SEC. 22. Article 9 (commencing with Section 11520)
6 of Chapter 2 of Part 3 of Division 9 of the Welfare and
7 Institutions Code is repealed.

8 SEC. 23. If any provisions of this act or the application
9 thereof to any person or circumstances is held invalid,
10 that invalidity shall not affect other provisions or
11 applications of the act that can be given effect without the
12 invalid provision or application, and to the extent that
13 provisions of this act are found to be out of conformity
14 with the requirements of federal law, the provision shall
15 be implemented to the maximum extent permitted by
16 federal law.

17 ~~SEC. 24. Notwithstanding Section 17610 of the~~
18 ~~Government Code, if the Commission on State Mandates~~
19 ~~determines that this act contains costs mandated by the~~
20 ~~state, reimbursement to local agencies and school~~
21 ~~districts for those costs shall be made pursuant to Part 7~~
22 ~~(commencing with Section 17500) of Division 4 of Title~~
23 ~~2 of the Government Code. If the statewide cost of the~~
24 ~~claim for reimbursement does not exceed one million~~
25 ~~dollars (\$1,000,000), reimbursement shall be made from~~
26 ~~the State Mandates Claims Fund.~~

27 ~~Notwithstanding Section 17580 of the Government~~
28 ~~Code, unless otherwise specified, the provisions of this act~~
29 ~~shall become operative on the same date that the act~~
30 ~~takes effect pursuant to the California Constitution.~~

31 *SEC. 24. No reimbursement is required by this act*
32 *pursuant to Section 6 of Article XIII B of the California*
33 *Constitution because this act provides for offsetting*
34 *savings to local agencies or school districts that result in*
35 *no net costs to the local agencies or school districts, within*
36 *the meaning of Section 17556 of the Government Code.*

37 *Notwithstanding Section 17580 of the Government*
38 *Code, unless otherwise specified, the provisions of this act*
39 *shall become operative on the same date that the act*
40 *takes effect pursuant to the California Constitution.*



1 SEC. 23. This act is an urgency statute necessary for
2 the immediate preservation of the public peace, health,
3 or safety within the meaning of Article IV of the
4 Constitution and shall go into immediate effect. The facts
5 constituting the necessity are:

6 In order to ensure that changes are made to the Greater
7 Avenues for Independence program which will ensure
8 the effective administration of that program, at the
9 earliest possible time, it is necessary that this act go into
10 effect immediately.

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