

ASSEMBLY BILL

No. 1039

Introduced by Assembly Member Aroner

February 25, 1999

An act to amend Sections 11322.8, 11324.8, 11325.21, 11325.23, and 11477.02 of, and to add Section 11322.95 to, the Welfare and Institutions Code, relating to human services.

LEGISLATIVE COUNSEL'S DIGEST

AB 1039, as introduced, Aroner. CalWORKs program.

Existing federal law provides for allocation of federal funds through the federal Temporary Assistance for Needy Families (TANF) block grant program to eligible states. Existing law provides for the CalWORKs program for the allocation of federal funds received through the TANF program, under which each county provides cash assistance and other benefits to qualified low-income families.

Existing law requires, as a condition of receipt of aid benefits under the CalWORKs program, that the recipient participate in certain welfare-to-work activities, and requires that an adult participant in a one-parent household shall participate in welfare-to-work activities for a specified number of hours each week, unless otherwise exempt.

Under existing law, a parent or caretaker relative is not eligible to receive aid under the CalWORKs program for a cumulative period of more than 18 months, or in certain cases, 24 months, after the individual signs, or refuses, without good cause, to sign a welfare-to-work plan, unless it is certified by the county that there is no job currently available for the

recipient and the recipient participates in community service activities.

Existing law provides that counties may provide for community service activities for individuals who have not completed that period and who are not employed in unsubsidized employment, sufficient to meet the required minimum number of hours of participation in welfare-to-work activities.

This bill would authorize counties to provide community service activities through wage-based employment, subject to certain conditions.

Existing law requires that any individual who is required to participate in welfare-to-work activities under the CalWORKs program must enter into a written welfare-to-work plan with the county welfare department after assessment, and requires that the plan shall include the activities and services that will move the individual into employment.

Existing law provides that an applicant for, or a recipient of, aid under the CalWORKs program who is dissatisfied with the provisions of the welfare-to-work plan may seek redress through the independent assessment process or the state hearing or county grievance process.

This bill would require that at the time an individual applies for aid under this chapter, or at the time a recipient's eligibility for aid is determined, the county shall provide the individual, in writing and orally as necessary, with certain program information, including a description of the right of the applicant or recipient to contest the terms of the welfare-to-work plan.

Existing law requires, as a condition of receiving aid under the CalWORKs program, that the recipient participate in certain welfare-to-work activities, but specifies that any student who, at the time he or she is required to participate is enrolled in any undergraduate degree or certificate program that leads to employment may continue in that program for a limited period if he or she is making satisfactory progress in that program if the county determines that continuing in the program is likely to lead to self-supporting



employment for that recipient, and the welfare-to-work plan reflects that determination.

Existing law also requires that if participation in educational or vocational training, as determined by the number of hours required for classroom, laboratory, or internship activities, is not at least 32 hours, the county shall require concurrent participation in work activities.

This bill would revise that requirement to require that the number of hours required in educational or vocational training include attendance at or preparation for those activities, and would specify that preparation time shall be presumed to be 2 hours for each hour of instruction. The bill would also expand the scope of activities in which a participant whose educational or training activities do not meet the 32-hour limitations may be required by the county to participate in concurrently.

This bill would also provide that if an individual is enrolled in an education or training program at the time he or she is required to participate in the welfare-to-work activities and the county determines that his or her welfare-to-work plan should contain other activities instead of the education or training program, the county shall notify him or her in writing of its determination and inform him or her of the right to appeal the decision, and would declare that provision is declaratory of existing law.

By expanding the duties of counties in the administration of the welfare-to-work activities under the CalWORKs program this bill would result in a state-mandated local program.

Existing law requires recipients of benefits under the CalWORKs program to cooperate with the district attorney in the determination of paternity for purposes of collecting child support, and if the parent is determined not to have cooperated, the applicant's or recipient's family grant is required to be reduced by 25% during the period of noncooperation and requires that child support services for the noncooperating individual be suspended.

This bill would include applicants, recipients, and former recipients with welfare arrearages within the scope of that requirement.



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.

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

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

1 SECTION 1. Section 11322.8 of the Welfare and
 2 Institutions Code is amended to read:
 3 11322.8. (a) Unless otherwise exempt, *and except as*
 4 *provided in Section 11322.95*, an adult recipient in a
 5 one-parent assistance unit shall participate in
 6 welfare-to-work activities for 20 hours each week
 7 beginning January 1, 1998, 26 hours each week beginning
 8 July 1, 1998, and 32 hours each week beginning July 1,
 9 1999, and thereafter. In no event shall the adult recipient
 10 participate in welfare-to-work activities less than the
 11 required hours of participation under Section 407 of the
 12 federal Social Security Act (42 U.S.C. Sec. 607) and any
 13 subsequent amendments thereto, for the entire time
 14 period on aid. A county retains the option to require all
 15 recipients or individual recipients to participate in
 16 welfare-to-work activities in excess of the minimum
 17 number of hours specified in this subdivision, up to 32
 18 hours each week.
 19 (b) Unless otherwise exempt, an adult recipient who
 20 is an unemployed parent, as defined in Section 11201,
 21 shall participate in at least 35 hours of welfare-to-work
 22 activities each week that will meet the required hours of
 23 participation under Section 407 of the federal Social
 24 Security Act (42 U.S.C. Sec. 607) and any subsequent



1 amendments thereto. However, both parents in a
2 two-parent assistance unit may contribute to the 35 hours,
3 if provided in federal law as meeting the federal work
4 participation requirements and if at least one parent
5 meets the federal one-parent work requirement
6 applicable on January 1, 1998. To be eligible for federally
7 funded child care under Article 15.5 (commencing with
8 Section 8350) of Chapter 2 of Part 6 of the Education
9 Code, both parents shall participate in work activities that
10 will meet the required hours of participation under
11 Section 407 of the federal Social Security Act (42 U.S.C.
12 Sec. 607) and any subsequent amendments thereto.

13 SEC. 2. Section 11322.95 is added to the Welfare and
14 Institutions Code, to read:

15 11322.95. Counties may provide community service
16 activities pursuant to Section 11322.9 through wage-based
17 employment, subject to the following conditions:

18 (a) Wages paid in community service employment
19 shall be subject to a disregard of ninety dollars (\$90) per
20 month for mandatory payroll deductions and other work
21 expenses instead of the income disregards set forth in
22 Section 11451.5.

23 (b) Wage-based community service employment shall
24 not exceed one year in duration.

25 (c) Participants in wage-based community service
26 employment shall be allowed reasonable sick leave and
27 time off for state recognized holidays, time for which shall
28 be included in their work participation hours.

29 (d) Participants in wage-based community service
30 shall be considered employees for all purposes, including
31 the Fair Labor Standards Act.

32 (e) When the hours of wage-based work result in
33 fewer hours than those required by the hourly
34 participation requirements in Section 11322.8, counties
35 may consider that the requirement is satisfied, or may
36 require other activities authorized under Section 11322.6
37 until the hourly requirements are met.

38 SEC. 3. Section 11324.8 of the Welfare and Institutions
39 Code is amended to read:



1 11324.8. (a) At the time an individual applies for aid
2 under this chapter, or at the time a recipient's eligibility
3 for aid is determined, the county shall do all of the
4 following:

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

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

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

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

21 (D) *A description of the right to contest the terms of*
22 *a welfare-to-work plan, as described in subdivision (d).*

23 (2) Determine whether the individual is required to
24 participate in the program provided under this article.

25 (b) At the time an individual is required to participate
26 pursuant to this article, he or she shall receive a written
27 preliminary determination that he or she is a member of
28 a targeted group, for purposes of any applicable and
29 operative federal Targeted Jobs Tax Credit and California
30 Jobs Tax Credit.

31 (c) Persons not required to participate may volunteer
32 to participate.

33 (d) An applicant for, or a recipient of, aid who is
34 dissatisfied with the provisions of the welfare-to-work
35 plan may seek redress through the independent
36 assessment process, as described in subdivision (c) of
37 Section 11325.4 or the state hearing or county grievance
38 process, as described in Section 11327.8.

39 SEC. 4. Section 11325.21 of the Welfare and
40 Institutions Code is amended to read:



1 11325.21. (a) Any individual who is required to
2 participate in welfare-to-work activities pursuant to this
3 article shall enter into a written welfare-to-work plan
4 with the county welfare department after assessment as
5 required by subdivision (b) of Section 11320.1, except as
6 provided for in Section 11320.3. The plan shall include the
7 activities and services that will move the individual into
8 employment.

9 (b) The county shall allow the participant three
10 working days after completion of the plan or subsequent
11 amendments to the plan in which to evaluate and request
12 changes to the terms of the plan.

13 (c) The plan shall be written in clear and
14 understandable language, and have a simple and
15 easy-to-read format.

16 (d) The plan shall contain at least all of the following
17 general information:

18 (1) A general description of the program provided for
19 in this article, including available program components
20 and supportive services.

21 (2) A general description of the rights, duties, and
22 responsibilities of program participants, including a list of
23 the exemptions from the required participation under
24 this article, the consequences of a refusal to participate in
25 program components, and criteria for successful
26 completion of the program.

27 (3) A description of the grace period required in
28 paragraph (5) of subdivision (b) of Section 11325.22 *and*
29 *of the right to evaluate and request changes in the terms*
30 *of the plan within three working days, as provided in*
31 *subdivision (b).*

32 (4) *A description of the right to contest the terms of*
33 *the welfare-to-work plan through an independent*
34 *assessment, as provided in Section 11325.4, and by the*
35 *state hearing or county grievance process, as described in*
36 *Section 11327.8.*

37 (e) The plan shall specify, and shall be amended to
38 reflect changes in, the participant's welfare-to-work
39 activity, a description of services to be provided in
40 accordance with Sections 11322.6, and 11322.8 as needed,



1 and specific requirements for successful completion of
2 assigned activities including required hours of
3 participation.

4 The plan shall also include a general description of
5 supportive services pursuant to Section 11323.2 that are
6 to be provided as necessary for the participant to
7 complete assigned program activities.

8 (f) Any assignment to a program component shall be
9 reflected in the plan or an amendment to the plan. The
10 participant shall maintain satisfactory progress toward
11 employment through the methods set forth in the plan,
12 and the county shall provide the services pursuant to
13 Section 11323.2.

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

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

19 11325.23. (a) (1) Except as provided in paragraph
20 (2), any student who, at the time he or she is required to
21 participate under this article pursuant to Section 11320.3,
22 is enrolled in any undergraduate degree or certificate
23 program that leads to employment may continue in that
24 program within the time period specified in subdivisions
25 (a) and (d) of Section 11454 if he or she is making
26 satisfactory progress in that program, the county
27 determines that continuing in the program is likely to
28 lead to self-supporting employment for that recipient,
29 and the welfare-to-work plan reflects that determination.

30 (2) Any individual who possesses a baccalaureate
31 degree shall not be eligible to participate under this
32 section unless the individual is pursuing a California
33 regular classroom teaching credential in a college or
34 university with an approved teacher credential
35 preparation program.

36 (3) (A) Subject to the limitation provided in
37 subdivision (f), a program shall be determined to lead to
38 employment if it is on a list of programs that the county
39 welfare department and local education agencies or
40 providers agree lead to employment. The list shall be



1 agreed to annually, with the first list completed no later
2 than January 31, 1998. By January 1, 2000, all educational
3 providers shall report data regarding programs on the list
4 for the purposes of the report card established under
5 Section 15037.1 of the Unemployment Insurance Code for
6 the programs to remain on the list.

7 (B) For students not in a program on the list prepared
8 under subparagraph (A), the county shall determine if
9 the program leads to employment. The recipient shall be
10 allowed to continue in the program within the time
11 period specified in subdivisions (a) and (d) of Section
12 11454 if the recipient demonstrates to the county that the
13 program will lead to self-supporting employment for that
14 recipient and the documentation is included in the
15 welfare-to-work plan.

16 (C) If participation in educational or vocational
17 training, as determined by the number of hours required
18 for *attendance at or preparation for* classroom,
19 laboratory, or internship activities, is not at least 32 hours,
20 the county shall require concurrent participation in work
21 activities pursuant to subdivisions (a) to ~~(j)~~-(r), inclusive,
22 of Section 11322.6 and Section 11325.22. *Preparation time*
23 *shall be presumed to be two hours of study for each hour*
24 *of instruction.*

25 (D) *If an individual is enrolled in an education or*
26 *training program at the time he or she is required to*
27 *participate under this article and the county determines*
28 *that the individual's welfare-to-work plan should contain*
29 *other activities instead of the education or training*
30 *program, the county shall notify the individual in writing*
31 *of its determination and inform the individual of the right*
32 *to appeal the decision pursuant to any available*
33 *procedure, including the right to a third party assessment*
34 *under subdivision (c) of Section 11325.4. This subdivision*
35 *is declaratory of existing law.*

36 (b) Participation in the self-initiated education or
37 vocational training program shall be reflected in the
38 welfare-to-work plan required by Section 11325.21. The
39 welfare-to-work plan shall provide that whenever an
40 individual ceases to participate in, refuses to attend



1 regularly, or does not maintain satisfactory progress in the
2 self-initiated program, the individual shall participate
3 under this article in accordance with Section 11325.22.

4 (c) Any person whose previously approved
5 self-initiated education or training program is
6 interrupted for reasons that meet the good cause criteria
7 specified in subdivision (f) of Section 11320.3 may resume
8 participation in the same program if the participant
9 maintained good standing in the program while
10 participating and the self-initiated program continues to
11 meet the approval criteria. The county shall adjust the
12 completion date of the program, accounting for the time
13 of absence to allow the participant a cumulative
14 timeframe outlined in subdivision (a).

15 (d) Supportive services reimbursement shall be
16 provided for any participant in a self-initiated training or
17 education program approved under this subdivision. This
18 reimbursement shall be provided if no other source of
19 funding for those costs is available. Any offset to
20 supportive services payments shall be made in
21 accordance with subdivision (e) of Section 11323.4.

22 (e) Any student who, at the time he or she is required
23 to participate under this article pursuant to Section
24 11320.3, has been enrolled and is making satisfactory
25 progress in a degree or certificate program, but does not
26 meet the criteria set forth in subdivision (a), shall have
27 until the beginning of the next educational semester or
28 quarter break to continue his or her educational program
29 if he or she continues to make satisfactory progress. At the
30 time the educational break occurs, the individual is
31 required to participate pursuant to Section 11320.1. The
32 time spent in the educational program shall count
33 towards the time limits and community service
34 requirements established for recipients in Sections
35 11320.1 and 11454. A recipient not expected to complete
36 the program by the next break may continue his or her
37 education under the timelines in subdivision (a),
38 provided he or she transfers at the end of the current
39 quarter or semester to a program that qualifies under that
40 subdivision, the county determines that participation is



1 likely to lead to self-supporting employment of the
2 recipient, and the welfare-to-work plan reflects that
3 determination.

4 (f) Any degree, certificate, or vocational program
5 offered by a private postsecondary training provider shall
6 not be approved under this section unless the program is
7 either approved or exempted by the appropriate state
8 regulatory agency and the program is in compliance with
9 all other provisions of law.

10 SEC. 6. Section 11477.02 of the Welfare and
11 Institutions Code is amended to read:

12 11477.02. Prior to referral of any individual or
13 recipient, or that person's case, to the district attorney for
14 child support services under Section 11350.1 or 11475.1,
15 the county welfare department shall determine if an
16 applicant—~~or~~ recipient, *or former recipient with welfare*
17 *arrearages* has good cause for noncooperation, as set forth
18 in Section 11477.04. If the applicant or recipient claims a
19 good cause exception at any subsequent time to the
20 county welfare department or the district attorney, the
21 district attorney shall suspend child support services until
22 the county welfare department determines the good
23 cause claim, as set forth in Section 11477.04. If good cause
24 is determined to exist, the district attorney shall suspend
25 child support services until the applicant or recipient
26 requests their resumption, and shall take such other
27 measures as are necessary to protect the applicant or
28 recipient and the children. If the applicant—~~or~~ recipient,
29 *or former recipient with welfare arrearages* is the parent
30 of the child for whom aid is sought and the parent is found
31 to have not cooperated without good cause as provided
32 in Section 11477.04, the applicant's or recipient's family
33 grant shall be reduced by 25 percent for such time as the
34 failure to cooperate lasts.

35 SEC. 7. Notwithstanding Section 17610 of the
36 Government Code, if the Commission on State Mandates
37 determines that this act contains costs mandated by the
38 state, reimbursement to local agencies and school
39 districts for those costs shall be made pursuant to Part 7
40 (commencing with Section 17500) of Division 4 of Title



1 2 of the Government Code. If the statewide cost of the
2 claim for reimbursement does not exceed one million
3 dollars (\$1,000,000), reimbursement shall be made from
4 the State Mandates Claims Fund.

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