

AMENDED IN ASSEMBLY APRIL 8, 1999

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

ASSEMBLY BILL

No. 1039

Introduced by Assembly Member Aroner

February 25, 1999

An act to amend Sections ~~11322.8~~, *11320.1*, *11322.6*, *11322.8*, *11322.9*, *11324.8*, *11325.21*, *11325.23*, *11454*, 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 amended, 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~~ *subsidized employment as an alternative to wage-based employment*, subject to certain conditions.

This bill would require counties to pay an assistance payment to participants in wage-based employment in an amount equal to the wages for hours not worked by the participant. This bill would limit that payment to a period of one month and would be paid if the participant fails to satisfy the required hours of work in a single month for reasons constituting good cause.

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 11320.1 of the Welfare and*
2 *Institutions Code is amended to read:*

3 11320.1. Subsequent to the commencement of the
4 receipt of aid under this chapter, the sequence of
5 employment related activities required of participants
6 under this article, unless exempted under Section 11320.3,
7 shall be as follows:

8 (a) Job search. Recipients shall, and applicants may,
9 at the option of a county and with the consent of the
10 applicant, receive orientation to the welfare-to-work
11 program provided under this article, receive appraisal
12 pursuant to Section 11325.2, and participate in job search

1 and job club activities provided pursuant to Section
2 11325.22.

3 (b) Assessment. If employment is not found during
4 the period provided for pursuant to subdivision (a), or at
5 any time the county determines that participation in job
6 search for the period specified in subdivision (a) of
7 Section 11325.22 is not likely to lead to employment, the
8 participant shall be referred to assessment, as provided
9 for in Section 11325.4. Following assessment, the county
10 and the participant shall develop a welfare-to-work plan,
11 as specified in Section 11325.21. The plan shall specify the
12 activities provided for in Section 11322.6 to which the
13 participant shall be assigned, and the supportive services,
14 as provided for pursuant to Section 11323.2, with which
15 the recipient will be provided.

16 (c) Work activities. A participant who has signed a
17 welfare-to-work plan pursuant to Section 11325.21 shall
18 participate in work activities until he or she has received
19 aid for the period specified in subdivision (a) of Section
20 11454. If, after the period specified in paragraph (1) of
21 subdivision (a) of Section 11454, the participant has not
22 obtained unsubsidized employment, the county may
23 extend the welfare-to-work plan by up to six months if the
24 county determines that the extension is likely to lead to
25 unsubsidized employment or if local unemployment or
26 other conditions in the local economy are such that
27 employment is not available. If a recipient has received
28 aid for the period specified in subdivision (a) of Section
29 11454 and returns to aid after a break in aid of at least one
30 month, the county shall determine whether to require
31 the recipient to participate in welfare-to-work activities
32 or in community service.

33 (d) Community service *and subsidized employment*.

34 (1) If a participant has received aid for the period
35 specified in subdivision (a) of Section 11454, and the
36 participant has not found unsubsidized employment
37 sufficient to meet the hours of participation required by
38 Section 11322.8 and the county has certified that no job is
39 available for that participant, the participant shall remain
40 eligible for aid under this chapter only if he or she

1 participates in community service activities *or subsidized*
2 *employment* pursuant to Section 11322.9 *or 11322.95*.

3 (2) The county shall provide community service
4 activities *or other work activities* assignments as
5 described in Section 11322.9, *and may offer subsidized*
6 *employment as described in Section 11322.95*.

7 (3) An individual may participate in community
8 service activities *or a combination of community service*
9 *activities and subsidized employment as provided in*
10 *Section 11322.95* until he or she has received aid for a total
11 of 60 months.

12 *SEC. 1.1. Section 11322.6 of the Welfare and*
13 *Institutions Code is amended to read:*

14 11322.6. The welfare-to-work plan developed by the
15 county welfare department and the participant pursuant
16 to this article shall provide for welfare-to-work activities.
17 Welfare-to-work activities may include, but are not
18 limited to, any of the following:

19 (a) Unsubsidized employment.

20 (b) Subsidized private sector employment.

21 (c) Subsidized public sector employment.

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

36 (e) On-the-job training.

37 (f) Grant-based on-the-job training, which means
38 public or private sector employment or on-the-job
39 training in which the recipient's cash grant, or a portion
40 thereof, or the aid grant savings resulting from

1 employment, is diverted to the employer as a wage
2 subsidy to partially or wholly offset the payment of wages
3 to the participant. Grant-based on-the-job training shall
4 include community service positions pursuant to Section
5 11322.9 *and subsidized employment pursuant to Section*
6 *11322.95.*

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

13 (h) Work-study.

14 (i) Self-employment.

15 (j) Community service.

16 (k) Adult basic education, which shall include reading,
17 writing, arithmetic, high school proficiency, or general
18 educational development certificate of instruction, and
19 English-as-a-second-language. Participants under this
20 subdivision shall be referred to appropriate service
21 providers that include, but are not limited to, educational
22 programs operated by school districts or county offices of
23 education that have contracted with the Superintendent
24 of Public Instruction to provide services to participants
25 pursuant to Section 33117.5 of the Education Code.

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

27 (m) Vocational education and training, including, but
28 not limited to, college and community college education,
29 adult education, regional occupational centers, and
30 regional occupational programs.

31 (n) Job search and job readiness assistance, which
32 means providing the recipient with training to learn job
33 seeking and interviewing skills, to understand employer
34 expectations, and learn skills designed to enhance an
35 individual's capacity to move toward self-sufficiency.

36 (o) Education directly related to employment.

37 (p) Satisfactory progress in secondary school or in a
38 course of study leading to a certificate of general
39 educational development, in the case of a recipient who

1 has not completed secondary school or received such a
2 certificate.

3 (q) Mental health, substance abuse, and domestic
4 violence services, described in Sections 11325.7 and
5 11325.8 and Article 7.5 (commencing with Section 11495),
6 that are necessary to obtain and retain employment.

7 (r) Other activities necessary to assist an individual in
8 obtaining unsubsidized employment.

9 Assignment to an educational activity identified in
10 subdivisions (k), (m), (o), and (p) is limited to those
11 situations in which the education is needed to become
12 employed.

13 *SEC. 1.5.* Section 11322.8 of the Welfare and
14 Institutions Code is amended to read:

15 11322.8. (a) Unless otherwise exempt, and except as
16 provided in Section 11322.95, an adult recipient in a
17 one-parent assistance unit shall participate in
18 welfare-to-work activities for 20 hours each week
19 beginning January 1, 1998, 26 hours each week beginning
20 July 1, 1998, and 32 hours each week beginning July 1,
21 1999, and thereafter. In no event shall the adult recipient
22 participate in welfare-to-work activities less than the
23 required hours of participation under Section 407 of the
24 federal Social Security Act (42 U.S.C. Sec. 607) and any
25 subsequent amendments thereto, for the entire time
26 period on aid. A county retains the option to require all
27 recipients or individual recipients to participate in
28 welfare-to-work activities in excess of the minimum
29 number of hours specified in this subdivision, up to 32
30 hours each week.

31 (b) Unless otherwise exempt, an adult recipient who
32 is an unemployed parent, as defined in Section 11201,
33 shall participate in at least 35 hours of welfare-to-work
34 activities each week that will meet the required hours of
35 participation under Section 407 of the federal Social
36 Security Act (42 U.S.C. Sec. 607) and any subsequent
37 amendments thereto. However, both parents in a
38 two-parent assistance unit may contribute to the 35 hours,
39 if provided in federal law as meeting the federal work
40 participation requirements and if at least one parent

1 meets the federal one-parent work requirement
2 applicable on January 1, 1998. To be eligible for federally
3 funded child care under Article 15.5 (commencing with
4 Section 8350) of Chapter 2 of Part 6 of the Education
5 Code, both parents shall participate in work activities that
6 will meet the required hours of participation under
7 Section 407 of the federal Social Security Act (42 U.S.C.
8 Sec. 607) and any subsequent amendments thereto.

9 *SEC. 1.8. Section 11322.9 of the Welfare and*
10 *Institutions Code is amended to read:*

11 11322.9. (a) In accordance with the requirements of
12 this section:

13 (1) Counties may provide for community service
14 activities for individuals who have not completed the
15 period specified in subdivision (a) of Section 11454 and
16 are not employed in unsubsidized employment, sufficient
17 to meet the hours of participation required by Section
18 11322.8.

19 (2) Counties shall provide for community service
20 activities for individuals who have completed the period
21 as specified in subdivision (a) of Section 11454, who
22 cannot find unsubsidized employment sufficient to meet
23 the hours of participation required by Section 11322.8,
24 and the county certifies that no job is currently available
25 to fulfill the hours required by Section 11322.8, and who
26 continue to meet the financial eligibility criteria for aid
27 under this chapter.

28 (b) Community service activities shall meet all of the
29 following criteria:

30 (1) Be performed in the public and private nonprofit
31 sector.

32 (2) Provide participants with job skills that can lead to
33 unsubsidized employment.

34 (3) Comply with the antidisplacement provisions
35 contained in Section 11324.6.

36 (c) Participants in community service activities shall
37 do all of the following:

38 (1) Participate in a community service activity for the
39 number of hours required by Section 11322.8, unless

1 fewer hours of community service participation are
2 required by federal law.

3 (2) Participate in other work activities, *including*
4 *those who have reached the time limits specified in*
5 *Section 11454*, for the number of hours equal to the
6 difference between the hours of participation in
7 community service and the number of hours of
8 participation required under Section 11322.8.

9 (d) The county plan pursuant to Section 10531 shall
10 include a component, developed by the county in
11 collaboration with local private sector employers, local
12 education agencies, county welfare departments,
13 organized labor, recipients of aid under this chapter, and
14 government and community-based organizations
15 providing job training and economic development, in
16 order to identify all of the following:

17 (1) Unmet community needs that could be met
18 through community service activities.

19 (2) The target population to be served.

20 (3) Entities responsible for project development,
21 fiscal administration, and case management services.

22 (4) The terms of community service activities, that, to
23 the extent feasible, shall be temporary and transitional,
24 and not permanent.

25 (5) Supportive efforts, including job search,
26 education, and training, which shall be provided to
27 participants in community service activities.

28 (e) Aid under this chapter for any participant who fails
29 to comply with the requirements of this section without
30 good cause shall be reduced in accordance with Section
31 11327.5.

32 (f) Child care as a supportive service shall be provided
33 to participants in community service activities pursuant
34 to Article 15.5 (commencing with Section 8350) of
35 Chapter 2 of Part 6 of the Education Code, and Section
36 11323.2. Other supportive services may be provided by
37 the county at the county's option. However, if the county
38 does not provide mental health services pursuant to
39 Section 11325.7, the county shall indicate in its county
40 plan under Chapter 1.3 (commencing with Section

1 10530) how mental health services needed by
2 participants will be made available during participation
3 in a community service job.

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

6 11322.95. Counties may provide *subsidized*
7 *employment in the private or public sector after the*
8 *period specified in subdivision (a) of Section 11454, as an*
9 *alternative to community service activities pursuant to*
10 *Section 11322.9 through wage-based employment,*
11 subject to the following conditions:

12 (a) ~~Wages paid in community service employment~~
13 ~~shall be subject to a disregard of~~ *pursuant to this section*
14 *shall be supplemented by a stipend of ninety dollars (\$90)*
15 *per month for mandatory payroll deductions and other*
16 *work expenses instead of the income disregards set forth*
17 *in Section 11451.5.*

18 (b) ~~Wage-based community service employment~~
19 *Subsidized employment assigned after the time limits*
20 *specified in Section 11454 shall not exceed one year in*
21 *duration.*

22 (c) Participants in ~~wage-based community service~~
23 *subsidized employment shall be allowed reasonable sick*
24 *leave and time off for state recognized holidays, time for*
25 *which shall be included in their work participation hours.*
26 *to accrue at least four hours of sick leave or family leave*
27 *per month, or a higher amount if the employer offers that*
28 *leave to other comparable employees. Vacation leave*
29 *shall be offered, accrued, and permitted to the same*
30 *extent as it is available to comparable employees at the*
31 *worksite. Accrued but unused leave shall be paid in cash*
32 *to the family at the time it leaves aid due to unsubsidized*
33 *employment. Hours of sick leave and family leave*
34 *authorized by the employer and hours that a participant*
35 *cannot work because of employer-recognized holidays*
36 *shall be counted toward the participant's weekly*
37 *participation hours under Section 11322.8.*

38 (d) Participants in wage-based community service
39 shall be considered employees for all purposes, ~~including~~
40 ~~the Fair Labor Standards Act~~ *and shall be compensated*

1 at no less than the higher of the state or federal minimum
2 wage.

3 (e) Subsidized employment shall consist of a
4 minimum of 24 hours per week, which may be increased
5 to up to 32 hours per week at county option. When the
6 hours of wage-based work result in fewer hours than those
7 required by the hourly participation requirements in
8 Section 11322.8, counties may consider that the
9 requirement is satisfied, or may require other activities
10 authorized under Section 11322.6 until the hourly
11 requirements are met.

12 (f) Counties shall arrange for participants in
13 wage-based employment to apply and qualify for the
14 earned income tax credit and its advance payment
15 option.

16 (g) (1) Participants in wage-based employment who
17 fail to satisfy the required hours of work in a single month
18 for reasons constituting good cause, as specified in
19 subdivision (f) of Section 11320.3, shall be paid an
20 assistance payment in an amount equal to the wages not
21 received for the hours not worked.

22 (2) Participants in wage-based employment who fail
23 to satisfy the required hours of work in two months,
24 counting allowed hours of sick and family leave, whether
25 or not the failure is due to reasons constituting good cause,
26 shall be reassigned to community service or a
27 welfare-to-work activity other than wage-based
28 employment.

29 (3) In no event shall the failure to meet the hourly
30 work requirements result in a payment of wages or
31 assistance payments, including the stipend authorized in
32 subdivision (a), which are less than the amount paid
33 pursuant to Section 11327.5.

34 (h) Wages paid to participants pursuant to this section
35 shall be paid by the employer or an entity other than the
36 county.

37 (i) Counties may fund the wages for subsidized
38 employment through any combination of the single
39 allocation to counties, any other funds or grant diversion.
40 For purposes of this subdivision, "grant diversion" means

1 *public or private sector employment in which the*
2 *recipient's grant, or a portion thereof, or the aid grant*
3 *savings resulting from employment, is diverted to the*
4 *employer as a wage subsidy to partially or wholly offset*
5 *the payment of wages to the participant.*

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

8 11324.8. (a) At the time an individual applies for aid
9 under this chapter, or at the time a recipient's eligibility
10 for aid is determined, the county shall do all of the
11 following:

12 (1) Provide the individual, in writing and orally as
13 necessary, with at least the following program
14 information:

15 (A) A general description of the education,
16 employment, and training opportunities and the
17 supportive services available, including transitional
18 benefits.

19 (B) A description of the exemptions from required
20 participation provided under this article and the
21 consequences of a refusal to participate in program
22 components, if not exempt.

23 (C) A description of the responsibility of the
24 participant to cooperate in establishing paternity and
25 enforcing child support obligations, and to assist
26 individuals in establishing paternity and obtaining child
27 support as a condition of eligibility.

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

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

32 (b) At the time an individual is required to participate
33 pursuant to this article, he or she shall receive a written
34 preliminary determination that he or she is a member of
35 a targeted group, for purposes of any applicable and
36 operative federal Targeted Jobs Tax Credit and California
37 Jobs Tax Credit.

38 (c) Persons not required to participate may volunteer
39 to participate.

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

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

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

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

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

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

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

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

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

1 (4) A description of the right to contest the terms of
2 the welfare-to-work plan through an independent
3 assessment, as provided in Section 11325.4, and by the
4 state hearing or county grievance process, as described in
5 Section 11327.8.

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

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

17 (f) Any assignment to a program component shall be
18 reflected in the plan or an amendment to the plan. The
19 participant shall maintain satisfactory progress toward
20 employment through the methods set forth in the plan,
21 and the county shall provide the services pursuant to
22 Section 11323.2.

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

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

28 11325.23. (a) (1) Except as provided in paragraph
29 (2), any student who, at the time he or she is required to
30 participate under this article pursuant to Section 11320.3,
31 is enrolled in any undergraduate degree or certificate
32 program that leads to employment may continue in that
33 program within the time period specified in subdivisions
34 (a) and (d) of Section 11454 if he or she is making
35 satisfactory progress in that program, the county
36 determines that continuing in the program is likely to
37 lead to self-supporting employment for that recipient,
38 and the welfare-to-work plan reflects that determination.

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

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

5 (3) (A) Subject to the limitation provided in
6 subdivision (f), a program shall be determined to lead to
7 employment if it is on a list of programs that the county
8 welfare department and local education agencies or
9 providers agree lead to employment. The list shall be
10 agreed to annually, with the first list completed no later
11 than January 31, 1998. By January 1, 2000, all educational
12 providers shall report data regarding programs on the list
13 for the purposes of the report card established under
14 Section 15037.1 of the Unemployment Insurance Code for
15 the programs to remain on the list.

16 (B) For students not in a program on the list prepared
17 under subparagraph (A), the county shall determine if
18 the program leads to employment. The recipient shall be
19 allowed to continue in the program within the time
20 period specified in subdivisions (a) and (d) of Section
21 11454 if the recipient demonstrates to the county that the
22 program will lead to self-supporting employment for that
23 recipient and the documentation is included in the
24 welfare-to-work plan.

25 (C) If participation in educational or vocational
26 training, as determined by the number of hours required
27 for attendance at or preparation for classroom,
28 laboratory, or internship activities, is not at least 32 hours,
29 the county shall require concurrent participation in work
30 activities pursuant to subdivisions (a) to (r), inclusive, of
31 Section 11322.6 and Section 11325.22. Preparation time
32 shall be presumed to be two hours of study for each hour
33 of instruction.

34 (D) If an individual is enrolled in an education or
35 training program at the time he or she is required to
36 participate under this article and the county determines
37 that the individual's welfare-to-work plan should contain
38 other activities instead of the education or training
39 program, the county shall notify the individual in writing
40 of its determination and inform the individual of the right

1 to appeal the decision pursuant to any available
2 procedure, including the right to a third party assessment
3 under subdivision (c) of Section 11325.4. This subdivision
4 is declaratory of existing law.

5 (b) Participation in the self-initiated education or
6 vocational training program shall be reflected in the
7 welfare-to-work plan required by Section 11325.21. The
8 welfare-to-work plan shall provide that whenever an
9 individual ceases to participate in, refuses to attend
10 regularly, or does not maintain satisfactory progress in the
11 self-initiated program, the individual shall participate
12 under this article in accordance with Section 11325.22.

13 (c) Any person whose previously approved
14 self-initiated education or training program is
15 interrupted for reasons that meet the good cause criteria
16 specified in subdivision (f) of Section 11320.3 may resume
17 participation in the same program if the participant
18 maintained good standing in the program while
19 participating and the self-initiated program continues to
20 meet the approval criteria. The county shall adjust the
21 completion date of the program, accounting for the time
22 of absence to allow the participant a cumulative
23 timeframe outlined in subdivision (a).

24 (d) Supportive services reimbursement shall be
25 provided for any participant in a self-initiated training or
26 education program approved under this subdivision. This
27 reimbursement shall be provided if no other source of
28 funding for those costs is available. Any offset to
29 supportive services payments shall be made in
30 accordance with subdivision (e) of Section 11323.4.

31 (e) Any student who, at the time he or she is required
32 to participate under this article pursuant to Section
33 11320.3, has been enrolled and is making satisfactory
34 progress in a degree or certificate program, but does not
35 meet the criteria set forth in subdivision (a), shall have
36 until the beginning of the next educational semester or
37 quarter break to continue his or her educational program
38 if he or she continues to make satisfactory progress. At the
39 time the educational break occurs, the individual is
40 required to participate pursuant to Section 11320.1. The

1 time spent in the educational program shall count
2 towards the time limits and community service
3 requirements established for recipients in Sections
4 11320.1 and 11454. A recipient not expected to complete
5 the program by the next break may continue his or her
6 education under the timelines in subdivision (a),
7 provided he or she transfers at the end of the current
8 quarter or semester to a program that qualifies under that
9 subdivision, the county determines that participation is
10 likely to lead to self-supporting employment of the
11 recipient, and the welfare-to-work plan reflects that
12 determination.

13 (f) Any degree, certificate, or vocational program
14 offered by a private postsecondary training provider shall
15 not be approved under this section unless the program is
16 either approved or exempted by the appropriate state
17 regulatory agency and the program is in compliance with
18 all other provisions of law.

19 SEC. 6. *Section 11454 of the Welfare and Institutions*
20 *Code is amended to read:*

21 11454. (a) (1) Except as otherwise provided in this
22 chapter and in paragraph (2), a parent or caretaker
23 relative shall not be eligible to receive aid for a
24 cumulative period of more than 18 months after the
25 individual signs, or refuses, without good cause, to sign a
26 welfare-to-work plan, unless it is certified by the county
27 that there is no job currently available for the recipient
28 and the recipient participates in community service
29 activities, pursuant to Section 11322.9, *or in subsidized*
30 *employment pursuant to Section 11322.95.*

31 (2) A parent or caretaker relative recipient who is
32 subject to the requirements of paragraph (2) of
33 subdivision (c) of Section 10532 shall not be eligible to
34 receive aid under this chapter for a cumulative period of
35 more than 24 months, unless it is certified by the county
36 that there is no job currently available for the recipient
37 and the recipient participates in community service
38 activities pursuant to Section 11322.9, *or in subsidized*
39 *employment pursuant to Section 11322.95.*

(3) For purposes of this subdivision, a job shall not be considered to be currently available if a recipient has taken and continues to take all steps to apply for appropriate positions and has not refused an offer of employment without good cause.

(4) A parent or caretaker relative recipient to whom paragraph (1) or (2) applies, who is in a job for less than the number of hours required by Section 11322.8, and for whom no job is currently available for the required number of hours, shall remain eligible for aid under this chapter and shall participate in community service activities for the additional number of hours necessary to meet the requirements of Section 11322.8.

(b) A parent or caretaker relative shall not be eligible for aid under this chapter when he or she has received aid under this chapter or from any state under the Temporary Assistance for Needy Families program (Part A (commencing with Section 401) of Title IV of the federal Social Security Act (42 U.S.C. Sec. 601 et seq.) for a cumulative total of 60 months.

(c) No month in which aid has been received prior to January 1, 1998, shall be taken into consideration in computing the 18-month, 24-month, or 60-month limitation provided for in subdivision (a) or (b).

(d) Each county shall adopt criteria for extending the 18-month limitation prescribed by subdivision (a) for up to six months if the extension is likely to result in unsubsidized employment or if local unemployment rates or other conditions in the local economy are such that employment is not available.

(e) Subdivision (b) shall not be applicable when all parent or caretaker relatives of the aided child who are living in the home of the child meet any of the following requirements:

(1) They are 60 years of age or older.

(2) They meet one of the conditions specified in paragraph (4) or (5) of subdivision (b) of Section 11320.3.

(3) They are not included in the assistance unit.

(4) They are receiving benefits under Section 12200 or Section 12300, State Disability Insurance benefits or

1 Workers' Compensation Temporary Disability
2 Insurance, if the disability significantly impairs the
3 recipient's ability to be regularly employed or participate
4 in welfare-to-work activities.

5 (5) They are incapable of maintaining employment or
6 participating in welfare-to-work activities, as determined
7 by the county, based on the assessment of the individual
8 and the individual has a history of participation and full
9 cooperation in welfare-to-work activities.

10 *SEC. 7.* 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, 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, recipient, or
29 former recipient with welfare arrearages is the parent of
30 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.—~~

36 *SEC. 8.* Notwithstanding Section 17610 of the
37 Government Code, if the Commission on State Mandates
38 determines that this act contains costs mandated by the
39 state, reimbursement to local agencies and school
40 districts for those costs shall be made pursuant to Part 7

1 (commencing with Section 17500) of Division 4 of Title
2 2 of the Government Code. If the statewide cost of the
3 claim for reimbursement does not exceed one million
4 dollars (\$1,000,000), reimbursement shall be made from
5 the State Mandates Claims Fund.

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