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AMENDED IN ASSEMBLY MAY 28, 1999
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 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 subsidized employment as an alternative to community service activities, 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 federal or state participation requirements, which must be required by the county to participate in concurrently meet federal requirements and which may be required by the county to meet state standards.*

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

1 program provided under this article, receive appraisal
2 pursuant to Section 11325.2, and participate in job search
3 and job club activities provided pursuant to Section
4 11325.22.

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

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

35 (d) Community service and subsidized employment.

36 (1) If a participant has received aid for the period
37 specified in subdivision (a) of Section 11454, and the
38 participant has not found unsubsidized employment
39 sufficient to meet the hours of participation required by
40 Section 11322.8 and the county has certified that no job is

1 available for that participant, the participant shall remain
2 eligible for aid under this chapter only if he or she
3 participates in community service activities or subsidized
4 employment pursuant to Section 11322.9 or 11322.95.

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

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

14 SEC. 1.1. Section 11322.6 of the Welfare and
15 Institutions Code is amended to read:

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

21 (a) Unsubsidized employment.

22 (b) Subsidized private sector employment.

23 (c) Subsidized public sector employment.

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

38 (e) On-the-job training.

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

1 training in which the recipient's cash grant, or a portion
2 thereof, or the aid grant savings resulting from
3 employment, is diverted to the employer as a wage
4 subsidy to partially or wholly offset the payment of wages
5 to the participant. Grant-based on-the-job training shall
6 include community service positions pursuant to Section
7 11322.9 and subsidized employment pursuant to Section
8 11322.95.

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

15 (h) Work-study.

16 (i) Self-employment.

17 (j) Community service.

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

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

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

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

38 (o) Education directly related to employment.

39 (p) Satisfactory progress in secondary school or in a
40 course of study leading to a certificate of general

1 educational development, in the case of a recipient who
2 has not completed secondary school or received such a
3 certificate.

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

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

10 Assignment to an educational activity identified in
11 subdivisions (k), (m), (o), and (p) *is shall be* limited to
12 those situations in which the education is needed to
13 become employed. *Hours of participation shall include*
14 *preparation time as described in subparagraph (C) of*
15 *paragraph (3) of subdivision (a) of Section 11325.23.*

16 SEC. 1.5. Section 11322.8 of the Welfare and
17 Institutions Code is amended to read:

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

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

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

12 SEC. 1.8. Section 11322.9 of the Welfare and
13 Institutions Code is amended to read:

14 11322.9. (a) In accordance with the requirements of
15 this section:

16 (1) Counties may provide for community service
17 activities for individuals who have not completed the
18 period specified in subdivision (a) of Section 11454 and
19 are not employed in unsubsidized employment, sufficient
20 to meet the hours of participation required by Section
21 11322.8.

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

31 (b) Community service activities shall meet all of the
32 following criteria:

33 (1) Be performed in the public and private nonprofit
34 sector.

35 (2) Provide participants with job skills that can lead to
36 unsubsidized employment.

37 (3) Comply with the antidisplacement provisions
38 contained in Section 11324.6.

39 (c) Participants in community service activities shall
40 do all of the following:

1 (1) Participate in a community service activity for the
2 number of hours required by Section 11322.8, unless
3 fewer hours of community service participation are
4 required by federal law.

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

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

19 (1) Unmet community needs that could be met
20 through community service activities.

21 (2) The target population to be served.

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

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

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

30 (e) Aid under this chapter for any participant who fails
31 to comply with the requirements of this section without
32 good cause shall be reduced in accordance with Section
33 11327.5.

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

1 Section 11325.7, the county shall indicate in its county
2 plan under Chapter 1.3 (commencing with Section
3 10530) how mental health services needed by
4 participants will be made available during participation
5 in a community service job.

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

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

13 (a) Wages paid pursuant to this section shall be
14 supplemented by a stipend of ninety dollars (\$90) per
15 month for mandatory payroll deductions and other work
16 expenses instead of the income disregards set forth in
17 Section 11451.5. *The stipend shall not be considered*
18 *income for the purposes of CalWORKs eligibility or*
19 *benefits.*

20 (b) Subsidized employment assigned after the time
21 limits specified in Section 11454 shall not exceed one year
22 in duration, *unless a county agrees to extend the time in*
23 *subsidized employment after an assessment of the*
24 *appropriateness of continued participation.*

25 (c) *Participants in subsidized employment shall be*
26 *allowed to accrue the same amount of sick leave or family*
27 *leave per month that the employer offers to other*
28 *comparable employees. Hours of sick leave and family*
29 *leave authorized by the employer and hours that a*
30 *participant cannot work because of employer recognized*
31 *holidays shall be counted toward the participants' weekly*
32 *participation hours under Section 11322.8.*

33 (d) Participants in subsidized employment shall be
34 considered employees for all purposes, and shall be
35 compensated at no less than the higher of the state or
36 federal minimum wage.

37 ~~(d)~~

38 (e) Subsidized employment shall consist of a
39 minimum of 24 hours per week, which may be increased
40 to ~~up to~~ 32 hours per week at county option. When the

1 hours of subsidized work result in fewer hours than those
2 required by the hourly participation requirements in
3 Section 11322.8, counties may consider that the
4 requirement is satisfied, or may require other to be
5 counted toward the federal work participation rate,
6 counties shall assign other activities authorized under
7 Section 11322.6 until the federal hourly requirements are
8 met. When the number of hours satisfy the federal
9 standard but are fewer than those set forth in Section
10 11322.8, counties may assign other activities under
11 Section 11322.6 to satisfy the requirement of that section,
12 consistent with the federal Fair Labor Standards Act of
13 1938 (Chapter 8 (commencing with Section 201) of Title
14 29 of the United States Code).

15 ~~(e)~~

16 (f) Counties shall arrange for participants in
17 subsidized employment to apply and qualify for the
18 earned income tax credit and its advance payment
19 option.

20 ~~(f)~~

21 (g) (1) Participants in subsidized employment who
22 fail to satisfy the required hours of work in a single month
23 for reasons constituting good cause, as specified in
24 subdivision (f) of Section 11320.3, shall be paid an
25 assistance payment in an amount equal to the wages not
26 received for the hours not worked.

27 (2) Participants in subsidized employment who fail to
28 satisfy the required hours of work in two months,
29 counting allowed hours of sick and family leave, whether
30 or not the failure is due to reasons constituting good cause,
31 shall be reassigned to community service or a
32 welfare-to-work activity other than subsidized
33 employment.

34 (3) In no event shall the failure to meet the hourly
35 work requirements result in a payment of wages or
36 assistance payments, including the stipend authorized in
37 subdivision (a), which are less than the amount paid
38 pursuant to Section 11327.5.

39 ~~(g)~~

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

~~(h)~~

(i) Counties may fund the wages for subsidized employment through any combination of the single allocation to counties, any other funds or grant diversion. For purposes of this subdivision, “grant diversion” means public or private sector employment in which the recipient’s grant, or a portion thereof, or the aid grant savings resulting from employment, is diverted to the employer as a wage subsidy to partially or wholly offset the payment of wages to the participant.

~~(i)~~

(j) Counties using subsidized employment shall monitor the retention of participants as permanent employees by employers participating in subsidized employment, and shall cancel the participation of employers who demonstrate, over a reasonable period of time, an unwillingness to permanently hire recipients who have participated in subsidized employment with that employer.

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

11324.8. (a) 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 do all of the following:

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

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

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

1 (C) A description of the responsibility of the
2 participant to cooperate in establishing paternity and
3 enforcing child support obligations, and to assist
4 individuals in establishing paternity and obtaining child
5 support as a condition of eligibility.

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

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

10 (b) At the time an individual is required to participate
11 pursuant to this article, he or she shall receive a written
12 preliminary determination that he or she is a member of
13 a targeted group, for purposes of any applicable and
14 operative federal Targeted Jobs Tax Credit and California
15 Jobs Tax Credit.

16 (c) Persons not required to participate may volunteer
17 to participate.

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

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

26 11325.21. (a) Any individual who is required to
27 participate in welfare-to-work activities pursuant to this
28 article shall enter into a written welfare-to-work plan
29 with the county welfare department after assessment as
30 required by subdivision (b) of Section 11320.1, except as
31 provided for in Section 11320.3. The plan shall include the
32 activities and services that will move the individual into
33 employment.

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

38 (c) The plan shall be written in clear and
39 understandable language, and have a simple and
40 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).

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

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

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

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

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

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

6 11325.23. (a) (1) Except as provided in paragraph
7 (2), any student who, at the time he or she is required to
8 participate under this article pursuant to Section 11320.3,
9 is enrolled in any undergraduate degree or certificate
10 program that leads to employment may continue in that
11 program within the time period specified in subdivisions
12 (a) and (d) of Section 11454 if he or she is making
13 satisfactory progress in that program, the county
14 determines that continuing in the program is likely to
15 lead to self-supporting employment for that recipient,
16 and the welfare-to-work plan reflects that determination.

17 (2) Any individual who possesses a baccalaureate
18 degree shall not be eligible to participate under this
19 section unless the individual is pursuing a California
20 regular classroom teaching credential in a college or
21 university with an approved teacher credential
22 preparation program.

23 (3) (A) Subject to the limitation provided in
24 subdivision (f), a program shall be determined to lead to
25 employment if it is on a list of programs that the county
26 welfare department and local education agencies or
27 providers agree lead to employment. The list shall be
28 agreed to annually, with the first list completed no later
29 than January 31, 1998. By January 1, 2000, all educational
30 providers shall report data regarding programs on the list
31 for the purposes of the report card established under
32 Section 15037.1 of the Unemployment Insurance Code for
33 the programs to remain on the list.

34 (B) For students not in a program on the list prepared
35 under subparagraph (A), the county shall determine if
36 the program leads to employment. The recipient shall be
37 allowed to continue in the program within the time
38 period specified in subdivisions (a) and (d) of Section
39 11454 if the recipient demonstrates to the county that the
40 program will lead to self-supporting employment for that

1 recipient and the documentation is included in the
2 welfare-to-work plan.

3 (C) If participation in educational or vocational
4 training, as determined by the number of hours required
5 for attendance at or preparation for classroom,
6 laboratory, or internship activities, is not at least 32 hours,
7 the county shall require concurrent participation in work
8 activities pursuant to subdivisions (a) to (r), inclusive, of
9 Section 11322.6 and Section 11325.22. Preparation time
10 shall be presumed to be two hours of study for each hour
11 of instruction.

12 (D) If an individual is enrolled in an education or
13 training program at the time he or she is required to
14 participate under this article and the county determines
15 that the individual's welfare-to-work plan should contain
16 other activities instead of the education or training
17 program, the county shall notify the individual in writing
18 of its determination and inform the individual of the right
19 to appeal the decision pursuant to any available
20 procedure, including the right to a third party assessment
21 under subdivision (c) of Section 11325.4. This subdivision
22 is declaratory of existing law.

23 (b) Participation in the self-initiated education or
24 vocational training program shall be reflected in the
25 welfare-to-work plan required by Section 11325.21. The
26 welfare-to-work plan shall provide that whenever an
27 individual ceases to participate in, refuses to attend
28 regularly, or does not maintain satisfactory progress in the
29 self-initiated program, the individual shall participate
30 under this article in accordance with Section 11325.22.

31 (c) Any person whose previously approved
32 self-initiated education or training program is
33 interrupted for reasons that meet the good cause criteria
34 specified in subdivision (f) of Section 11320.3 may resume
35 participation in the same program if the participant
36 maintained good standing in the program while
37 participating and the self-initiated program continues to
38 meet the approval criteria. The county shall adjust the
39 completion date of the program, accounting for the time

1 of absence to allow the participant a cumulative
2 timeframe outlined in subdivision (a).

3 (d) Supportive services reimbursement shall be
4 provided for any participant in a self-initiated training or
5 education program approved under this subdivision. This
6 reimbursement shall be provided if no other source of
7 funding for those costs is available. Any offset to
8 supportive services payments shall be made in
9 accordance with subdivision (e) of Section 11323.4.

10 (e) Any student who, at the time he or she is required
11 to participate under this article pursuant to Section
12 11320.3, has been enrolled and is making satisfactory
13 progress in a degree or certificate program, but does not
14 meet the criteria set forth in subdivision (a), shall have
15 until the beginning of the next educational semester or
16 quarter break to continue his or her educational program
17 if he or she continues to make satisfactory progress. At the
18 time the educational break occurs, the individual is
19 required to participate pursuant to Section 11320.1. The
20 time spent in the educational program shall count
21 towards the time limits and community service
22 requirements established for recipients in Sections
23 11320.1 and 11454. A recipient not expected to complete
24 the program by the next break may continue his or her
25 education under the timelines in subdivision (a),
26 provided he or she transfers at the end of the current
27 quarter or semester to a program that qualifies under that
28 subdivision, the county determines that participation is
29 likely to lead to self-supporting employment of the
30 recipient, and the welfare-to-work plan reflects that
31 determination.

32 (f) Any degree, certificate, or vocational program
33 offered by a private postsecondary training provider shall
34 not be approved under this section unless the program is
35 either approved or exempted by the appropriate state
36 regulatory agency and the program is in compliance with
37 all other provisions of law.

38 SEC. 6. Section 11454 of the Welfare and Institutions
39 Code is amended to read:



1 11454. (a) (1) Except as otherwise provided in this
2 chapter and in paragraph (2), a parent or caretaker
3 relative shall not be eligible to receive aid for a
4 cumulative period of more than 18 months after the
5 individual signs, or refuses, without good cause, to sign a
6 welfare-to-work plan, unless it is certified by the county
7 that there is no job currently available for the recipient
8 and the recipient participates in community service
9 activities, pursuant to Section 11322.9, or in subsidized
10 employment pursuant to Section 11322.95.

11 (2) A parent or caretaker relative recipient who is
12 subject to the requirements of paragraph (2) of
13 subdivision (c) of Section 10532 shall not be eligible to
14 receive aid under this chapter for a cumulative period of
15 more than 24 months, unless it is certified by the county
16 that there is no job currently available for the recipient
17 and the recipient participates in community service
18 activities pursuant to Section 11322.9, or in subsidized
19 employment pursuant to Section 11322.95.

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

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

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

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

5 (d) Each county shall adopt criteria for extending the
6 18-month limitation prescribed by subdivision (a) for up
7 to six months if the extension is likely to result in
8 unsubsidized employment or if local unemployment
9 rates or other conditions in the local economy are such
10 that employment is not available.

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

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

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

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

19 (4) They are receiving benefits under Section 12200 or
20 Section 12300, State Disability Insurance benefits or
21 Workers' Compensation Temporary Disability
22 Insurance, if the disability significantly impairs the
23 recipient's ability to be regularly employed or participate
24 in welfare-to-work activities.

25 (5) They are incapable of maintaining employment or
26 participating in welfare-to-work activities, as determined
27 by the county, based on the assessment of the individual
28 and the individual has a history of participation and full
29 cooperation in welfare-to-work activities.

30 SEC. 7. Section 11477.02 of the Welfare and
31 Institutions Code is amended to read:

32 11477.02. Prior to referral of any individual or
33 recipient, or that person's case, to the district attorney for
34 child support services under Section 11350.1 or 11475.1,
35 the county welfare department shall determine if an
36 applicant, recipient, or former recipient with welfare
37 arrearages has good cause for noncooperation, as set forth
38 in Section 11477.04. If the applicant or recipient claims a
39 good cause exception at any subsequent time to the
40 county welfare department or the district attorney, the

1 district attorney shall suspend child support services until
 2 the county welfare department determines the good
 3 cause claim, as set forth in Section 11477.04. If good cause
 4 is determined to exist, the district attorney shall suspend
 5 child support services until the applicant or recipient
 6 requests their resumption, and shall take such other
 7 measures as are necessary to protect the applicant or
 8 recipient and the children. If the applicant, recipient, or
 9 former recipient with welfare arrearages is the parent of
 10 the child for whom aid is sought and the parent is found
 11 to have not cooperated without good cause as provided
 12 in Section 11477.04, the applicant's or recipient's family
 13 grant shall be reduced by 25 percent for such time as the
 14 failure to cooperate lasts.

15 SEC. 8. It is the intent of the Legislature that the State
 16 Department of Social Services implement the
 17 amendments made to Sections 11320.1, 11322.6, 11322.8,
 18 11322.9, 11324.8, 11325.21, 11325.23, 11454, and 11477.02 of
 19 the Welfare and Institutions Code, by this act, and Section
 20 11322.95 of the Welfare and Institutions Code, as added by
 21 this act, to the extent of funding made available pursuant
 22 to the Budget Act or any other act.

23 SEC. 9. Notwithstanding Section 17610 of the
 24 Government Code, if the Commission on State Mandates
 25 determines that this act contains costs mandated by the
 26 state, reimbursement to local agencies and school
 27 districts for those costs shall be made pursuant to Part 7
 28 (commencing with Section 17500) of Division 4 of Title
 29 2 of the Government Code. If the statewide cost of the
 30 claim for reimbursement does not exceed one million
 31 dollars (\$1,000,000), reimbursement shall be made from
 32 the State Mandates Claims Fund.