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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, 11477.02, 18242, 18243, and 18247 of, to add Section 11322.95 to, and to repeal Section 18246 of, 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 *the Director of Social Services to approve up to 5 demonstration* 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 federal or state participation requirements, which must be required by the county to 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.

Existing law authorizes the State Department of Social Services to approve demonstration projects in up to 3 counties to test models of child support assurance, and specifies that one of the projects shall conform to a specified design, and provides for the funding of the projects from funds continuously appropriated for the CalWORKs program.

This bill would recast that provision to authorize the approval of up to 3 child support assurance demonstration projects, and would eliminate the requirement that one of the projects conform to a specified design.

Existing law requires the State Department of Social Services to develop research designs to ensure thorough evaluation of the child support assurance demonstration projects that include various factors, including the impact of welfare-to-work participation rates of custodial parents, CalWORKs participation rates and costs, paternity and child support order establishment, and other relevant information.

This bill would recast that requirement and increase the scope of factors that must be included in the research designs.

Existing law provides that the state share of child support assurance payments under the child support assurance

demonstration project shall be paid in accordance with the continuously appropriated funding of the CalWORKs program.

This bill would specify that the State Department of Social Services, to the extent possible, shall ensure that no funding streams will be utilized to pay for child support assurance payments if use of the funding streams would cause participants to be subject to the limitations imposed on the CalWORKs program that a parent or caretaker relative shall not be eligible to receive aid for a cumulative period of more than 18 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.

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



1 applicant, receive orientation to the welfare-to-work
2 program provided under this article, receive appraisal
3 pursuant to Section 11325.2, and participate in job search
4 and job club activities provided pursuant to Section
5 11325.22.

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

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

36 (d) Community service and subsidized employment.

37 (1) If a participant has received aid for the period
38 specified in subdivision (a) of Section 11454, and the
39 participant has not found unsubsidized employment
40 sufficient to meet the hours of participation required by

1 Section 11322.8 and the county has certified that no job is
2 available for that participant, the participant shall remain
3 eligible for aid under this chapter only if he or she
4 participates in community service activities or subsidized
5 employment pursuant to Section 11322.9 or 11322.95.

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

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

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

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

22 (a) Unsubsidized employment.

23 (b) Subsidized private sector employment.

24 (c) Subsidized public sector employment.

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

39 (e) On-the-job training.

1 (f) Grant-based on-the-job training, which means
2 public or private sector employment or on-the-job
3 training in which the recipient's cash grant, or a portion
4 thereof, or the aid grant savings resulting from
5 employment, is diverted to the employer as a wage
6 subsidy to partially or wholly offset the payment of wages
7 to the participant. Grant-based on-the-job training shall
8 include community service positions pursuant to Section
9 11322.9 and subsidized employment pursuant to Section
10 11322.95.

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

17 (h) Work-study.

18 (i) Self-employment.

19 (j) Community service.

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

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

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

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

40 (o) Education directly related to employment.

1 (p) Satisfactory progress in secondary school or in a
2 course of study leading to a certificate of general
3 educational development, in the case of a recipient who
4 has not completed secondary school or received such a
5 certificate.

6 (q) Mental health, substance abuse, and domestic
7 violence services, described in Sections 11325.7 and
8 11325.8 and Article 7.5 (commencing with Section 11495),
9 that are necessary to obtain and retain employment.

10 (r) Other activities necessary to assist an individual in
11 obtaining unsubsidized employment.

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

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

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

36 (b) Unless otherwise exempt, an adult recipient who
37 is an unemployed parent, as defined in Section 11201,
38 shall participate in at least 35 hours of welfare-to-work
39 activities each week that will meet the required hours of
40 participation under Section 407 of the federal Social

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

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

16 11322.9. (a) In accordance with the requirements of
17 this section:

18 (1) Counties may provide for community service
19 activities for individuals who have not completed the
20 period specified in subdivision (a) of Section 11454 and
21 are not employed in unsubsidized employment, sufficient
22 to meet the hours of participation required by Section
23 11322.8.

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

33 (b) Community service activities shall meet all of the
34 following criteria:

35 (1) Be performed in the public and private nonprofit
36 sector.

37 (2) Provide participants with job skills that can lead to
38 unsubsidized employment.

39 (3) Comply with the antidisplacement provisions
40 contained in Section 11324.6.

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

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

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

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

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

(2) The target population to be served.

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

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

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

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

(f) Child care as a supportive service shall be provided to participants in community service activities pursuant to Article 15.5 (commencing with Section 8350) of Chapter 2 of Part 6 of the Education Code, and Section 11323.2. Other supportive services may be provided by

1 the county at the county's option. However, if the county
2 does not provide mental health services pursuant to
3 Section 11325.7, the county shall indicate in its county
4 plan under Chapter 1.3 (commencing with Section
5 10530) how mental health services needed by
6 participants will be made available during participation
7 in a community service job.

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

10 11322.95. ~~Counties~~—*The director may approve up to*
11 *five demonstration projects in which selected counties*
12 may provide subsidized employment in the private or
13 public sector after the period specified in subdivision (a)
14 of Section 11454, as an alternative to community service
15 activities pursuant to Section 11322.9, subject to the
16 following conditions:

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

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

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

37 (d) Participants in subsidized employment shall be
38 considered employees for all purposes, and shall be
39 compensated at no less than the higher of the state or
40 federal minimum wage.

1 (e) Subsidized employment shall consist of a
2 minimum of 24 hours per week, which may be increased
3 to 32 hours per week at county option. When the hours of
4 subsidized work result in fewer hours than those required
5 to be 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 (f) Counties shall arrange for participants in
16 subsidized employment to apply and qualify for the
17 earned income tax credit and its advance payment
18 option.

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

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

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

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

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

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

18 (k) *For purposes of this section, ‘subsidized*
19 *employment’ means only that subsidized employment*
20 *authorized pursuant to the demonstration projects*
21 *established pursuant to this section.*

22 (l) *The director shall evaluate the demonstration*
23 *projects established pursuant to this section. Costs of the*
24 *evaluation shall be paid by the state from federal funds*
25 *provided through the federal Temporary Assistance for*
26 *Needy Families block grant. The evaluation shall, at a*
27 *minimum, assess all of the following:*

28 (1) *The change in income for participating families*
29 *during their participation in the project.*

30 (2) *Participation patterns, including length of time in*
31 *a subsidized employment position, rates of successful*
32 *completion, and reasons for failure to complete the*
33 *assigned term.*

34 (3) *Employment, earnings, and income patterns*
35 *following participation in the subsidized employment*
36 *project.*

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

39 11324.8. (a) At the time an individual applies for aid
40 under this chapter, or at the time a recipient’s eligibility

1 for aid is determined, the county shall do all of the
2 following:

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

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

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

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

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

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

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

29 (c) Persons not required to participate may volunteer
30 to participate.

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

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

39 11325.21. (a) Any individual who is required to
40 participate in welfare-to-work activities pursuant to this

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

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

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

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

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

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

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

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

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

1 assigned activities including required hours of
2 participation.

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

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

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

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

18 11325.23. (a) (1) Except as provided in paragraph
19 (2), any student who, at the time he or she is required to
20 participate under this article pursuant to Section 11320.3,
21 is enrolled in any undergraduate degree or certificate
22 program that leads to employment may continue in that
23 program within the time period specified in subdivisions
24 (a) and (d) of Section 11454 if he or she is making
25 satisfactory progress in that program, the county
26 determines that continuing in the program is likely to
27 lead to self-supporting employment for that recipient,
28 and the welfare-to-work plan reflects that determination.

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

35 (3) (A) Subject to the limitation provided in
36 subdivision (f), a program shall be determined to lead to
37 employment if it is on a list of programs that the county
38 welfare department and local education agencies or
39 providers agree lead to employment. The list shall be
40 agreed to annually, with the first list completed no later

1 than January 31, 1998. By January 1, 2000, all educational
2 providers shall report data regarding programs on the list
3 for the purposes of the report card established under
4 Section 15037.1 of the Unemployment Insurance Code for
5 the programs to remain on the list.

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

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

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

35 (b) Participation in the self-initiated education or
36 vocational training program shall be reflected in the
37 welfare-to-work plan required by Section 11325.21. The
38 welfare-to-work plan shall provide that whenever an
39 individual ceases to participate in, refuses to attend
40 regularly, or does not maintain satisfactory progress in the

1 self-initiated program, the individual shall participate
2 under this article in accordance with Section 11325.22.

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

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

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

1 recipient, and the welfare-to-work plan reflects that
2 determination.

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

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

11 11454. (a) (1) Except as otherwise provided in this
12 chapter and in paragraph (2), a parent or caretaker
13 relative shall not be eligible to receive aid for a
14 cumulative period of more than 18 months after the
15 individual signs, or refuses, without good cause, to sign a
16 welfare-to-work plan, unless it is certified by the county
17 that there is no job currently available for the recipient
18 and the recipient participates in community service
19 activities, pursuant to Section 11322.9, or in subsidized
20 employment pursuant to Section 11322.95.

21 (2) A parent or caretaker relative recipient who is
22 subject to the requirements of paragraph (2) of
23 subdivision (c) of Section 10532 shall not be eligible to
24 receive aid under this chapter for a cumulative period of
25 more than 24 months, unless it is certified by the county
26 that there is no job currently available for the recipient
27 and the recipient participates in community service
28 activities pursuant to Section 11322.9, or in subsidized
29 employment pursuant to Section 11322.95.

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

35 (4) A parent or caretaker relative recipient to whom
36 paragraph (1) or (2) applies, who is in a job for less than
37 the number of hours required by Section 11322.8, and for
38 whom no job is currently available for the required
39 number of hours, shall remain eligible for aid under this
40 chapter and shall participate in community service

1 activities for the additional number of hours necessary to
2 meet the requirements of Section 11322.8.

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

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

14 (d) Each county shall adopt criteria for extending the
15 18-month limitation prescribed by subdivision (a) for up
16 to six months if the extension is likely to result in
17 unsubsidized employment or if local unemployment
18 rates or other conditions in the local economy are such
19 that employment is not available.

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

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

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

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

28 (4) They are receiving benefits under Section 12200 or
29 Section 12300, State Disability Insurance benefits or
30 Workers' Compensation Temporary Disability
31 Insurance, if the disability significantly impairs the
32 recipient's ability to be regularly employed or participate
33 in welfare-to-work activities.

34 (5) They are incapable of maintaining employment or
35 participating in welfare-to-work activities, as determined
36 by the county, based on the assessment of the individual
37 and the individual has a history of participation and full
38 cooperation in welfare-to-work activities.

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

1 11477.02. Prior to referral of any individual or
2 recipient, or that person's case, to the district attorney for
3 child support services under Section 11350.1 or 11475.1,
4 the county welfare department shall determine if an
5 applicant, recipient, or former recipient with welfare
6 arrearages has good cause for noncooperation, as set forth
7 in Section 11477.04. If the applicant or recipient claims a
8 good cause exception at any subsequent time to the
9 county welfare department or the district attorney, the
10 district attorney shall suspend child support services until
11 the county welfare department determines the good
12 cause claim, as set forth in Section 11477.04. If good cause
13 is determined to exist, the district attorney shall suspend
14 child support services until the applicant or recipient
15 requests their resumption, and shall take such other
16 measures as are necessary to protect the applicant or
17 recipient and the children. If the applicant, recipient, or
18 former recipient with welfare arrearages is the parent of
19 the child for whom aid is sought and the parent is found
20 to have not cooperated without good cause as provided
21 in Section 11477.04, the applicant's or recipient's family
22 grant shall be reduced by 25 percent for such time as the
23 failure to cooperate lasts.

24 SEC. 8. Section 18242 of the Welfare and Institutions
25 Code is amended to read:

26 18242. (a) Upon application by a county board of
27 supervisors, the department may approve up to three
28 demonstration projects to test models of child support
29 assurance. The projects shall either test different models
30 of child support assurance or may test the same model if
31 counties in which the same model is tested involve
32 counties with different demographics.

33 (b) The department may approve joint projects by
34 two or more counties if both of the following apply:

35 (1) The equity of access to the project and its related
36 services is ensured to all participants.

37 (2) The project includes appropriate operational and
38 fiscal arrangements between the counties submitting the
39 joint project.



1 (c) If the department approves a joint project by two
2 or more counties, that joint project shall constitute one of
3 the projects authorized by subdivision (a).

4 (d) It is the intent of the Legislature that the purpose
5 of the demonstration projects authorized by this article is
6 to test child support assurance models as alternatives to
7 welfare under which families with earnings and a child
8 support order receive a guaranteed child support
9 payment, in lieu of a grant under the CalWORKs
10 program, from funds continuously appropriated for the
11 CalWORKs program.

12 (e) A county may limit the number of families that will
13 be permitted to enroll in its child support assurance
14 demonstration program.

15 SEC. 9. Section 18243 of the Welfare and Institutions
16 Code is amended to read:

17 18243. The department shall develop research
18 designs to ensure thorough evaluations of the child
19 support assurance demonstration projects that shall
20 include, but not be limited to, the impact of the project
21 on work participation rates of custodial parents,
22 household incomes and family well-being, CalWORKs
23 participation rates and costs, rates of paternity and child
24 support order establishment, and any other relevant
25 information the director may require.

26 SEC. 10. Section 18246 of the Welfare and Institutions
27 Code is repealed.

28 SEC. 11. Section 18247 of the Welfare and Institutions
29 Code is amended to read:

30 18247. (a) The state share of child support assurance
31 payments under this article shall be paid in accordance
32 with Section 15200.

33 (b) The department shall, to the extent possible,
34 ensure that no funding streams will be utilized to pay for
35 child support assurance payments if the use of the
36 funding streams would cause participants to be subject to
37 the limitations of Section 11454 or any similar limitation.

38 (c) The county administrative cost for the operation of
39 a child support assurance program shall be paid from the

1 county's allocation provided under Sections 15204.2 and
2 15204.3.

3 SEC. 12. It is the intent of the Legislature that the
4 State Department of Social Services implement the
5 amendments made by this act to Sections 11320.1, 11322.6,
6 11322.8, 11322.9, 11324.8, 11325.21, 11325.23, 11454, and
7 11477.02 of the Welfare and Institutions Code to the
8 extent funding is made available pursuant to the Budget
9 Act or any other act.

10 SEC. 13. Notwithstanding Section 17610 of the
11 Government Code, if the Commission on State Mandates
12 determines that this act contains costs mandated by the
13 state, reimbursement to local agencies and school
14 districts for those costs shall be made pursuant to Part 7
15 (commencing with Section 17500) of Division 4 of Title
16 2 of the Government Code. If the statewide cost of the
17 claim for reimbursement does not exceed one million
18 dollars (\$1,000,000), reimbursement shall be made from
19 the State Mandates Claims Fund.

