

AMENDED IN SENATE JUNE 29, 2000  
AMENDED IN ASSEMBLY JANUARY 27, 2000  
AMENDED IN ASSEMBLY JANUARY 26, 2000  
AMENDED IN ASSEMBLY JANUARY 20, 2000  
AMENDED IN ASSEMBLY JUNE 1, 1999

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1233**

**Introduced by Assembly Member Aroner**

February 26, 1999

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An act to amend Sections 11322.6 and ~~11325.23~~, 11322.61, and 11451.5 of the Welfare and Institutions Code, relating to human services.

LEGISLATIVE COUNSEL'S DIGEST

AB 1233, as amended, Aroner. CalWORKs program.

~~Existing law requires recipients of aid under the CalWORKs program, with certain exceptions, to participate in welfare-to-work activities, which may include educational activities.~~

~~This bill would include hours of preparation, as prescribed, within the defined scope of required hours of participation in the educational activities in which a CalWORKs recipient may participate. By expanding the scope of responsibility for the administration of the CalWORKs program by counties, this bill would result in a state-mandated local program.~~

~~Existing law continuously appropriates funds from the General Fund for the provision of benefits to eligible recipients through the CalWORKs program.~~

~~This bill would provide that the provisions which continuously appropriate money from the General Fund for purposes of the CalWORKs program would not apply to fund the changes made by this act. It would, however, provide that the operation of the provisions of the bill would be conditioned upon an appropriation in the Budget Act that funds those provisions.~~

*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 certain participants in the CalWORKs program to participate in certain welfare-to-work activities, including grant-based on-the-job training with a diversion of all or a portion of the grant to the participant's employer.*

*This bill would establish specified limitations on the grant-based on-the-job training grant diversion and would revise requirements for employer participation in the program.*

*Existing law provides that certain amounts are exempt from the calculation of income of the family for purposes of determining eligibility for benefits under the CalWORKs program.*

*This bill would provide that grant-based on-the-job training wages would not be excluded from the determination of income of the family for those purposes.*

*This bill, by revising employer participation requirements under the CalWORKs program, would increase county responsibilities in implementing the CalWORKs program, and would result in a state-mandated local program.*

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State



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

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

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

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

1 ~~SECTION 1.— Section 11322.6 of the Welfare and~~  
2 *SECTION 1. Section 11322.6 of the Welfare and*  
3 *Institutions Code is amended to read:*  
4 11322.6. The welfare-to-work plan developed by the  
5 county welfare department and the participant pursuant  
6 to this article shall provide for welfare-to-work activities.  
7 Welfare-to-work activities may include, but are not  
8 limited to, any of the following:  
9 (a) Unsubsidized employment.  
10 (b) Subsidized private sector employment.  
11 (c) Subsidized public sector employment.  
12 (d) Work experience, which means public or private  
13 sector work that shall help provide basic job skills,  
14 enhance existing job skills in a position related to the  
15 participant’s experience, or provide a needed community  
16 service that will lead to employment. Unpaid work  
17 experience shall be limited to 12 months, unless the  
18 county welfare department and the recipient agree to  
19 extend this period by an amendment to the  
20 welfare-to-work plan. The county welfare department  
21 shall review the work experience assignment as  
22 appropriate and make revisions as necessary to ensure  
23 that it continues to be consistent with the participant’s  
24 plan and effective in preparing the participant to attain  
25 employment.  
26 (e) On-the-job training.  
27 (f) (1) Grant-based on-the-job training, which means  
28 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, *or both*, is diverted to the employer as a  
4 wage subsidy to partially or wholly offset the payment of  
5 wages to the participant, *so long as the total amount*  
6 *diverted does not exceed the family's maximum aid*  
7 *payment.*

8 (2) Grant-based on-the-job training shall include  
9 community service positions pursuant to Section 11322.9.

10 (3) *Any portion of a wage from employment that is*  
11 *funded by the diversion of a recipient's cash grant, or the*  
12 *grant savings from employment pursuant to this*  
13 *subdivision, or both, shall not be exempt under Section*  
14 *11451.5 from the calculation of the income of the family*  
15 *for purposes of subdivision (a) of Section 11450.*

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

22 (h) Work-study.

23 (i) Self-employment.

24 (j) Community service.

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

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

36 (m) Vocational education and training, including, but  
37 not limited to, college and community college education,  
38 adult education, regional occupational centers, and  
39 regional occupational programs.



1 (n) Job search and job readiness assistance, which  
2 means providing the recipient with training to learn job  
3 seeking and interviewing skills, to understand employer  
4 expectations, and learn skills designed to enhance an  
5 individual's capacity to move toward self-sufficiency.

6 (o) Education directly related to employment.

7 (p) Satisfactory progress in secondary school or in a  
8 course of study leading to a certificate of general  
9 educational development, in the case of a recipient who  
10 has not completed secondary school or received such a  
11 certificate.

12 (q) Mental health, substance abuse, and domestic  
13 violence services, described in Sections 11325.7 and  
14 11325.8 and Article 7.5 (commencing with Section 11495),  
15 that are necessary to obtain and retain employment.

16 (r) Other activities necessary to assist an individual in  
17 obtaining unsubsidized employment.

18 Assignment to an educational activity identified in  
19 subdivisions (k), (m), (o), and (p) is limited to those  
20 situations in which the education is needed to become  
21 employed.

22 *SEC. 2. Section 11322.61 of the Welfare and*  
23 *Institutions Code is amended to read:*

24 11322.61. (a) Except as provided in subdivisions (c)  
25 and (d) of Section 11327.5, if there is any interruption in  
26 receipt of income for an employee in a grant-based  
27 on-the-job training program, as provided for pursuant to  
28 subdivision (j) of Section 11322.6, that is caused by an  
29 employer's conduct, the county shall ensure that a  
30 recipient receives 100 percent of the maximum aid  
31 payment, not counting the unpaid wages, that the  
32 assistance unit is eligible to receive. The payment shall be  
33 made as a supplemental grant payment. The county shall  
34 act to recover from the employer any amount of the grant  
35 diverted to the employer that was not paid as wages to the  
36 recipient. The agreement between the county and the  
37 employer pertaining to grant-based on-the-job training  
38 shall state that the county will take action to collect from  
39 the employer the amount of the grant diverted to the  
40 employer that was not paid as wages to the recipient.



1 (b) Pursuant to subdivision (f) of Section 11322.6,  
2 counties using grant-based on-the-job training shall  
3 ~~monitor the retention of participants as employees by~~  
4 employers participating in grant-based on-the-job  
5 training, and shall cancel the participation of employers  
6 who demonstrate, over time, ~~an~~ *any of the following*:

7 (1) An unwillingness to hire recipients who have  
8 participated in grant-based on-the-job training with that  
9 employer.

10 (2) An *inability to provide job skills that enable*  
11 *participants to obtain nonsubsidized employment with*  
12 *other employers.*

13 *SEC. 3. Section 11451.5 of the Welfare and Institutions*  
14 *Code is amended to read:*

15 11451.5. (a) Notwithstanding Section 11008 *and*  
16 *subdivision (f) of Section 11322.6*, the following amounts  
17 shall be exempt from the calculation of the income of the  
18 family for purposes of subdivision (a) of Section 11450:

19 (1) If disability-based unearned income does not  
20 exceed two hundred twenty-five dollars (\$225), both of  
21 the following amounts:

22 (A) All disability-based unearned income plus any  
23 amount of not otherwise exempt earned income equal to  
24 the amount of the difference between the amount of  
25 disability-based unearned income and two hundred  
26 twenty-five dollars (\$225).

27 (B) Fifty percent of all not otherwise exempt earned  
28 income in excess of the amount applied to meet the  
29 differential applied in subparagraph (A).

30 (2) If disability-based unearned income exceeds two  
31 hundred twenty-five dollars (\$225), both of the following  
32 amounts:

33 (A) All of the first two hundred twenty-five dollars  
34 (\$225) in disability-based unearned income.

35 (B) Fifty percent of all earned income.

36 (b) For purposes of this section:

37 (1) Earned income means gross income received as  
38 wages, salary, employer provided sick leave benefits,  
39 commissions, or profits from activities such as a business



1 enterprise or farming in which the recipient is engaged  
2 as a self-employed individual or as an employee.

3 (2) Disability-based unearned income means State  
4 Disability Insurance benefits, private disability insurance  
5 benefits, Temporary Workers' Compensation benefits,  
6 and social security disability benefits.

7 (3) Unearned income means any income not  
8 described in paragraph (1) or (2).

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

19 ~~Institutions Code is amended to read:~~

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

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



1 ~~plan and effective in preparing the participant to attain~~  
2 ~~employment.~~

3 ~~(e) On-the-job training.~~

4 ~~(f) Grant-based on-the-job training, which means~~  
5 ~~public or private sector employment or on-the-job~~  
6 ~~training in which the recipient's cash grant, or a portion~~  
7 ~~thereof, or the aid grant savings resulting from~~  
8 ~~employment, is diverted to the employer as a wage~~  
9 ~~subsidy to partially or wholly offset the payment of wages~~  
10 ~~to the participant. Grant-based on-the-job training shall~~  
11 ~~include community service positions pursuant to Section~~  
12 ~~11322.9.~~

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

19 ~~(h) Work-study.~~

20 ~~(i) Self-employment.~~

21 ~~(j) Community service.~~

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

32 ~~(l) Job skills training directly related to employment.~~

33 ~~(m) Vocational education and training, including, but~~  
34 ~~not limited to, college and community college education;~~  
35 ~~adult education, regional occupational centers, and~~  
36 ~~regional occupational programs.~~

37 ~~(n) Job search and job readiness assistance, which~~  
38 ~~means providing the recipient with training to learn job~~  
39 ~~seeking and interviewing skills, to understand employer~~



1 expectations, and learn skills designed to enhance an  
2 individual's capacity to move toward self-sufficiency.

3 (o) Education directly related to employment.

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

9 (q) Mental health, substance abuse, and domestic  
10 violence services, described in Sections 11325.7 and  
11 11325.8 and Article 7.5 (commencing with Section 11495),  
12 that are necessary to obtain and retain employment.

13 (r) Other activities necessary to assist an individual in  
14 obtaining unsubsidized employment.

15 Assignment to an educational activity identified in  
16 subdivisions (k), (m), (o), and (p) is limited to those  
17 situations in which the education is needed to become  
18 employed. Hours of participation for purposes of Section  
19 11322.8 shall include preparation time as described in  
20 subparagraph (C) of paragraph (3) of subdivision (a) of  
21 Section 11325.23.

22 SEC. 2. Section 11325.23 of the Welfare and  
23 Institutions Code is amended to read:

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

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



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

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

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

30     ~~(b) Participation in the self-initiated education or~~  
31 ~~vocational training program shall be reflected in the~~  
32 ~~welfare-to-work plan required by Section 11325.21. The~~  
33 ~~welfare-to-work plan shall provide that whenever an~~  
34 ~~individual ceases to participate in, refuses to attend~~  
35 ~~regularly, or does not maintain satisfactory progress in the~~  
36 ~~self-initiated program, the individual shall participate~~  
37 ~~under this article in accordance with Section 11325.22.~~

38     ~~(c) Any person whose previously approved~~  
39 ~~self-initiated education or training program is~~  
40 ~~interrupted for reasons that meet the good cause criteria~~



1 ~~specified in subdivision (f) of Section 11320.3 may resume~~  
2 ~~participation in the same program if the participant~~  
3 ~~maintained good standing in the program while~~  
4 ~~participating and the self-initiated program continues to~~  
5 ~~meet the approval criteria. The county shall adjust the~~  
6 ~~completion date of the program, accounting for the time~~  
7 ~~of absence to allow the participant a cumulative~~  
8 ~~timeframe outlined in subdivision (a).~~

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

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

38 ~~(f) Any degree, certificate, or vocational program~~  
39 ~~offered by a private postsecondary training provider shall~~  
40 ~~not be approved under this section unless the program is~~



1 either approved or exempted by the appropriate state  
2 regulatory agency and the program is in compliance with  
3 all other provisions of law.

4 ~~SEC. 3. (a) The continuous appropriation made by~~  
5 ~~Section 15200 of the Welfare and Institutions Code shall~~  
6 ~~not apply to fund the changes made by the amendments~~  
7 ~~to Section 11322.6 of the Welfare and Institutions Code~~  
8 ~~and subdivision (a) of Section 11325.23 of the Welfare and~~  
9 ~~Institutions Code made by Sections 1 and 2 of this act.~~

10 (b) ~~The operation of the provisions of this act is~~  
11 ~~conditioned upon an appropriation in the annual Budget~~  
12 ~~Act that funds the changes made by the amendments to~~  
13 ~~Section 11322.6 of the Welfare and Institutions Code and~~  
14 ~~subdivision (a) of Section 11325.23 of the Welfare and~~  
15 ~~Institutions Code made by this act.~~

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

