

AMENDED IN SENATE AUGUST 18, 2000

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

An act to amend Sections 11322.6 , 11322.61, *11322.9*, 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 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 *CalWORKs recipient and* 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 Institutions Code is amended to read:
- 3 11322.6. The welfare-to-work plan developed by the
- 4 county welfare department and the participant pursuant
- 5 to this article shall provide for welfare-to-work activities.
- 6 Welfare-to-work activities may include, but are not
- 7 limited to, any of the following:



1 (a) Unsubsidized employment.

2 (b) Subsidized private sector employment.

3 (c) Subsidized public sector employment.

4 (d) Work experience, which means public or private
5 sector work that shall help provide basic job skills,
6 enhance existing job skills in a position related to the
7 participant's experience, or provide a needed community
8 service that will lead to employment. Unpaid work
9 experience shall be limited to 12 months, unless the
10 county welfare department and the recipient agree to
11 extend this period by an amendment to the
12 welfare-to-work plan. The county welfare department
13 shall review the work experience assignment as
14 appropriate and make revisions as necessary to ensure
15 that it continues to be consistent with the participant's
16 plan and effective in preparing the participant to attain
17 employment.

18 (e) On-the-job training.

19 (f) (1) Grant-based on-the-job training, which means
20 public or private sector employment or on-the-job
21 training in which the recipient's cash grant, or a portion
22 thereof, or the aid grant savings resulting from
23 employment, or both, is diverted to the employer as a
24 wage subsidy to partially or wholly offset the payment of
25 wages to the participant, so long as the total amount
26 diverted does not exceed the family's maximum aid
27 payment. *A county shall not assign a participant to*
28 *grant-based on-the-job training unless and until the*
29 *participant has voluntarily agreed to participate in*
30 *grant-based on-the-job training by executing a voluntary*
31 *consent form, which shall be developed by the*
32 *department.*

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

35 (3) Any portion of a wage from employment that is
36 funded by the diversion of a recipient's cash grant, or the
37 grant savings from employment pursuant to this
38 subdivision, or both, shall not be exempt under Section
39 11451.5 from the calculation of the income of the family
40 for purposes of subdivision (a) of Section 11450.



1 (g) Supported work or transitional employment,
2 which means forms of grant-based on-the-job training in
3 which the recipient's cash grant, or a portion thereof, or
4 the aid grant savings from employment, is diverted to an
5 intermediary service provider, to partially or wholly
6 offset the payment of wages to the participant.

7 (h) Work-study.

8 (i) Self-employment.

9 (j) Community service.

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

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

21 (m) Vocational education and training, including, but
22 not limited to, college and community college education,
23 adult education, regional occupational centers, and
24 regional occupational programs.

25 (n) Job search and job readiness assistance, which
26 means providing the recipient with training to learn job
27 seeking and interviewing skills, to understand employer
28 expectations, and learn skills designed to enhance an
29 individual's capacity to move toward self-sufficiency.

30 (o) Education directly related to employment.

31 (p) Satisfactory progress in secondary school or in a
32 course of study leading to a certificate of general
33 educational development, in the case of a recipient who
34 has not completed secondary school or received such a
35 certificate.

36 (q) Mental health, substance abuse, and domestic
37 violence services, described in Sections 11325.7 and
38 11325.8 and Article 7.5 (commencing with Section 11495),
39 that are necessary to obtain and retain employment.



1 (r) Other activities necessary to assist an individual in
2 obtaining unsubsidized employment.

3 Assignment to an educational activity identified in
4 subdivisions (k), (m), (o), and (p) is limited to those
5 situations in which the education is needed to become
6 employed.

7 SEC. 2. Section 11322.61 of the Welfare and
8 Institutions Code is amended to read:

9 11322.61. (a) Except as provided in subdivisions (c)
10 and (d) of Section 11327.5, if there is any interruption in
11 receipt of income for an employee in a grant-based
12 on-the-job training program, as provided for pursuant to
13 subdivision (j) of Section 11322.6, that is caused by an
14 employer's conduct, the county shall ensure that a
15 recipient receives 100 percent of the maximum aid
16 payment, not counting the unpaid wages, that the
17 assistance unit is eligible to receive. The payment shall be
18 made as a supplemental grant payment. The county shall
19 act to recover from the employer any amount of the grant
20 diverted to the employer that was not paid as wages to the
21 recipient. The agreement between the county and the
22 employer pertaining to grant-based on-the-job training
23 shall state that the county will take action to collect from
24 the employer the amount of the grant diverted to the
25 employer that was not paid as wages to the recipient.

26 (b) Pursuant to subdivision (f) of Section 11322.6,
27 counties using grant-based on-the-job training shall
28 monitor employers participating in grant-based
29 on-the-job training, and shall cancel the participation of
30 employers who demonstrate, over time, any of the
31 following:

32 (1) An unwillingness to hire recipients who have
33 participated in grant-based on-the-job training with that
34 employer.

35 (2) An inability to provide job skills that enable
36 participants to obtain nonsubsidized employment with
37 other employers.

38 SEC. 3. *Section 11322.9 of the Welfare and Institutions*
39 *Code is amended to read:*



1 11322.9. (a) In accordance with the requirements of
2 this section:

3 (1) Counties may provide for community service
4 activities for individuals who have not completed the
5 period specified in subdivision (a) of Section 11454 and
6 are not employed in unsubsidized employment, sufficient
7 to meet the hours of participation required by Section
8 11322.8.

9 (2) Counties shall provide for community service
10 activities for individuals who have completed the period
11 as specified in subdivision (a) of Section 11454, who
12 cannot find unsubsidized employment sufficient to meet
13 the hours of participation required by Section 11322.8,
14 and the county certifies that no job is currently available
15 to fulfill the hours required by Section 11322.8, and who
16 continue to meet the financial eligibility criteria for aid
17 under this chapter.

18 (b) Community service activities shall meet all of the
19 following criteria:

20 (1) Be performed in the public and private nonprofit
21 sector.

22 (2) Provide participants with job skills that can lead to
23 unsubsidized employment.

24 (3) Comply with the antidisplacement provisions
25 contained in Section 11324.6.

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

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

32 (2) Participate in other work activities for the number
33 of hours equal to the difference between the hours of
34 participation in community service and the number of
35 hours of participation required under Section 11322.8.

36 (d) The county plan pursuant to Section 10531 shall
37 include a component, developed by the county in
38 collaboration with local private sector employers, local
39 education agencies, county welfare departments,
40 organized labor, recipients of aid under this chapter, and



1 government and community-based organizations
2 providing job training and economic development, in
3 order to identify all of the following:

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

6 (2) The target population to be served.

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

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

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

15 (6) *If the county intends to include grant-based*
16 *on-the-job training in its community service plan, the*
17 *process by which the county will comply with the*
18 *voluntary consent form requirement established in*
19 *subdivision (f) of Section 11322.6, including a list of the*
20 *languages in which the consent form will be available.*

21 (e) Aid under this chapter for any participant who fails
22 to comply with the requirements of this section without
23 good cause shall be reduced in accordance with Section
24 11327.5.

25 (f) Child care as a supportive service shall be provided
26 to participants in community service activities pursuant
27 to Article 15.5 (commencing with Section 8350) of
28 Chapter 2 of Part 6 of the Education Code, and Section
29 11323.2. Other supportive services may be provided by
30 the county at the county's option. However, if the county
31 does not provide mental health services pursuant to
32 Section 11325.7, the county shall indicate in its county
33 plan under Chapter 1.3 (commencing with Section
34 10530) how mental health services needed by
35 participants will be made available during participation
36 in a community service job.

37 *SEC. 4.* Section 11451.5 of the Welfare and Institutions
38 Code is amended to read:

39 11451.5. (a) Notwithstanding Section 11008 and
40 *except as provided by* subdivision (f) of Section 11322.6,



1 the following amounts shall be exempt from the
2 calculation of the income of the family for purposes of
3 subdivision (a) of Section 11450:

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

7 (A) All disability-based unearned income plus any
8 amount of not otherwise exempt earned income equal to
9 the amount of the difference between the amount of
10 disability-based unearned income and two hundred
11 twenty-five dollars (\$225).

12 (B) Fifty percent of all not otherwise exempt earned
13 income in excess of the amount applied to meet the
14 differential applied in subparagraph (A).

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

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

20 (B) Fifty percent of all earned income.

21 (b) For purposes of this section:

22 (1) Earned income means gross income received as
23 wages, salary, employer provided sick leave benefits,
24 commissions, or profits from activities such as a business
25 enterprise or farming in which the recipient is engaged
26 as a self-employed individual or as an employee.

27 (2) Disability-based unearned income means State
28 Disability Insurance benefits, private disability insurance
29 benefits, Temporary Workers' Compensation benefits,
30 and social security disability benefits.

31 (3) Unearned income means any income not
32 described in paragraph (1) or (2).

33 ~~SEC. 4.—~~

34 *SEC. 5.* Notwithstanding Section 17610 of the
35 Government Code, if the Commission on State Mandates
36 determines that this act contains costs mandated by the
37 state, reimbursement to local agencies and school
38 districts for those costs shall be made pursuant to Part 7
39 (commencing with Section 17500) of Division 4 of Title
40 2 of the Government Code. If the statewide cost of the



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

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