

HEADLINES

- **EDITORIAL – Simplify CalWORKs to Save Money**
- **CalWORKs Advocacy Practice Tip**
- **DSS NEWS – DSS Doles Out Money to Counties – Whatever the County Wants the County Gets.**
- **COUNTY WELFARE DEPARTMENT (CWD) VICTIMS OF DECEMBER 2002 – A Merry Christmas from Counties.**
- **ALSO New DS Roster attached in adobe acrobat format**

COMING NEXT WEEK – The Gray Davis 2003-2004 State Budget; Advocacy Tips for Retroactive Transportation and Transportation Statistical Update; More CWD Victims

EDITORIAL – CHANGE CALWORKS TO EMPOWER PARTICIPANTS AND SAVE MONEY

2002 was a very bad year for impoverished families with children in California. The California Executive and Legislative branches denied their statutory cost-of-living increase. In 2003, California's poor families with children on public assistance are living on grant levels they received in 1989. The Republicans continue to tout "leave no child behind". What they actually mean is, "leave no middle and upper class child behind."

Meanwhile the Welfare to Work sanction machine has been busy. During September 2002, the WtW bureaucrats sanctioned 58,554 families. Merry Christmas to families with children who must face another 30% reduction of their benefits.

What is WtW all about? It's about getting families off of welfare. Well how did counties get families off of welfare in September of 2002? They sanctioned 58,554 families but only found jobs for 7,664 families that resulted in termination of welfare. This means while the counties found one family a job to become self-sufficient, they were able to sanction about 8 families a month. According to statistics published by the State Department of Services (DSS), which each county proudly provides each month to DSS, it is clear that sanction is the primary purpose of the WtW program.

It is further clear that DSS and its agents, the county welfare departments, have revealed their enormous success in imposing sanctions. At the same time they reveal their dismal failure to do what WtW was intended to do- make impoverished families with children self-sufficient. Counties have tripled their budgets to run this WtW program and the

evidence is that they have succeeded in the “sanction” department and failed in the “self-sufficiency” department.

WHAT NEEDS TO BE DONE: The current WtW system forces the parents to be completely dependent on the WtW workers to find their way to self-sufficiency. It has not worked. Why? Because many of these WtW workers have no idea what they are doing. They are welfare workers who impose sanctions. They are not employment specialists even though they are given that title.

SUGGESTED REFORM: The system should be changed to empower impoverished families with children to find their own path towards self-sufficiency by offering maximum flexibility to the parents as allowed by federal law. Changing State law to allow participants to design their own plan to self-sufficiency as long as it is not contrary to federal law can do this. When California’s Executive and Legislative branches learn to trust the participants and not the bureaucrats, the current Welfare to Work Program will be a success.

•• CalWORKs ADVOCACY PRACTICE TIP – Ancillary Supportive Services & Car Repairs

Ancillary Supportive Services pays for car repairs, college books, and other expenses. The most common problems occur when the county refuses to pay for car repair.

Let’s assume a WtW participant is happily participating in a WtW activity but needs her car repaired in order to continue.

Most county rules provide that the participant must first request that his or her worker approve the Ancillary Supportive Services request. The participant has to submit an estimate in many cases. The WtW worker takes that estimate to his or her supervisor. If the estimated cost is over \$500, it has to be approved by the District Director. This can take weeks and sometimes months. By the time the county makes a decision, the WtW participant may have already lost her job or has been dropped from the activity. Without authorization, some counties will not reimburse the participant for repair expenses.

All of these county policies are authorized pursuant to MPP 11.500 which provides:

“MPP 11-501.3 County Standards

Where statutes or CDSS regulations authorize counties to adopt specific standards which affect an applicant’s/recipient’s or grant amount or welfare-to-work activities, including supportive services, such standards shall be in writing and shall be made available to the public upon request.”

The regulation clearly mandates that the county policies “shall” be in writing. Although, often they are not in writing, they also “shall” be available to the public.

PRACTICE TIP: Have your client go the local welfare office and ask for the county policy on the issue that you are having a hearing on. Generally the county receptionist says, “we don’t have county policies”. Actually all the policies are in the computer, but the computers are not available to WtW participants.

An All County Letter (ACL) was issued on January 3, 2000 known as ACL 00-08 which explains that the county must adopt a policy that is consistent with the state law and regulations. This ACL contains a copy of the state regulations and ACL 98-58.

ACL 98-58 sets forth the county responsibilities at fair hearings. It also states:

“Administrative Law Judges (ALJ) are granted authority under Welfare and Institutions Code Section 10950 to review any county action relating to an applicant’s application for or recipient’s receipt of public social services. This includes actions taken by the county in regard to welfare-to-work participation by CalWORKs recipients. At hearing, the ALJ will review the “facts” of the case that are in dispute and also determine if the county’s action is consistent with applicable statutes, regulations, CDSS policy guidelines, and/or county policies. Therefore, in developing any local policies, counties must ensure that local policies, criteria, and procedures are consistent with existing statutes, regulations, and CDSS guidelines transmitted via All County Letter (ACL), All County Information Notice (ACIN), or any similar instrument. Additionally, counties should take appropriate steps to ensure that local policies and procedures are documented, communicated to staff, and applied in a uniform manner.”

Many veteran ALJs have no idea that they can overrule a county policy which is in conflict with the statute and duly promulgated regulations of DSS.

The ACL goes on to say that the county appeals representative has to cite the appropriate state law or regulations that applied to the particular case.

IS A COUNTY POLICY CONSISTENT WITH STATE LAW IF IT PROVIDES FOR WEEKS OR MONTHS TO GET ANCILLARY SERVICES PAID?

Such policies are in violation of the state law. The purpose of supportive services is to assist individuals while participating in a WtW activity or work. When a participant is in danger of losing his/her job because the car needs repair and he/she is unable to get to work, the delaying of the provision of ancillary supportive services is completely in conflict with the purpose of the welfare to work law. Thus, any county policy that prevents a person from working or participating on a WtW work activity, which includes employment, is a violation of the state law.

During July 2002, DSS gave Alameda, Butte, Fresno, Los Angeles, Sacramento and San Diego counties funding to “designate a full-time staff person as the CalWORKs Statewide Evaluation County Coordinator...” It appears that each county will have an employee acting as a coordinator. What is strange is the inconsistent amount of money requested by each county for the position of CalWORKs Statewide Evaluation County Coordinator. The salary amounts are:

(1) Alameda - \$49,359; (2) Butte - \$71,790; (3) Fresno - \$39,870; (4) Los Angeles - \$84,677; (5) Sacramento - \$72,087; (6) San Diego - \$55,803

A coordinator in Fresno County gets 46% of the salary paid to the coordinator in Los Angeles County for doing the same job. There is a difference of \$44,807 between the highest and lowest paid county employee doing the same job for DSS. This is statistically mindboggling.

We called DSS to find out why one county gets \$84,677, while another county gets \$39,870, and another gets \$55,803 for the same position. A representative of the State Department of Social Services stated “These are the costs that the counties gave us and we just approve it – it is a very small program.” Meanwhile, a mother with children in a Northern California County may be doing jail time for getting an overpayment of less than \$800. Now that is justice.

STATE BUDGET NEWS –

As we reported in our last bulletin, Governor Davis has proposed to deny COLA for CalWORKs recipients – it was Gray Davis’s way of saying Merry Christmas to impoverished families with needy children of California. The Legislative Analyst has done an analysis of the Davis **Mid-Year Budget Proposal** and it can be viewed at <http://www.lao.ca.gov/>.

This analysis reveals that taking away \$235 million dollars from the impoverished families with needy children of California will save the general fund \$80 million. The state still must use \$155 million of that money to meet the federal welfare spending requirements. The analyst proposed :

“Alternatively, the Legislature could provide the COLAs and hold CalWORKs spending at the MOE floor by making other CalWORKs program reductions.” See Page 13, second column of the report.

What the analyst fails to point out that, giving the money to the poor will stimulate the economy and help California get out of its current economic crisis.

-- COUNTY WELFARE DEPARTMENT VICTIM OF THE WEEK

IHSS Victim – Ms. V.M. is an IHSS client who moved from Placer County to Sacramento County. In Placer County she was getting 231.3 hours. She moved to Sacramento County during September of 2002 and promptly notified Placer County that she had moved to Sacramento County. On December 16, 2002, Ms. V.M. received a notice of action (NOA) from Sacramento County stating that her application for IHSS, dated 9/20/02, had been approved effective 11/1/2002. The NOA also stated that she would be getting only 91.6 hours because “you are the only person counted in your household. MPP 30.763.”

Sacramento County does not understand what an intercounty transfer is. An intercounty transfer is not an application. The intercounty procedures are set forth in MPP 30-701(I), which provides that the receiving county shall accept the case, and that an IHSS recipient does not have to become an applicant.

Moreover, the county can only change the hours if there has been substantive change in the living arrangements. MPP 30-759.941. Sacramento unlawfully reduced her hours from 231 to 93 in total disregard of the law.

Los Angeles County Imposes an Illegal Sanction – A DPSS Christmas Present

Ms. K.N. had her baby in December. She received a letter on 11/23/02 stating that effective 1/1/03 her benefits will be reduced because she had a “participation problem”. The notice did not say what the participation problem was. We assume that WtW participants are now required to be telepathic. A pregnant woman is not required to participate in WtW. But that does not stop the lean-mean-sanction machine of Los Angeles County from meeting their primary objective – sanction.

Another LADPSS Victim –Sanctioned

Ms. A.U. provided the county with medical verification of her disability, but that did not stop Los Angeles County from ramming through another unlawful sanction – and this one without a notice of action. It’s LA County’s way of saying Merry Christmas without sending a card or a notice of action.

CCWRO SERVICES AVAILABLE TO LEGAL SERVICES PROGRAMS & WELFARE RECIPIENTS REFERRED TO US BY LEGAL SERVICES PROGRAMS

Types of Services Offered: Litigation, Fair Hearing Representation, Fair Hearing Consultation, Informational Services, Research Services, In depth Consultation.

Programs Covered: CalWORKs, Welfare to Work (WtW), Food Stamps, Media-Cal. General Assistance and Refugee Immigration Problems

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