

RECIPIENT IMPACT STATEMENT

Agnos~Swoap Workfare Bill

CALIFORNIA LEGISLATURE—1985-86 REGULAR SESSION

ASSEMBLY BILL

No. 2580

Introduced by Assembly Members Konnyu, Agnos, Molina,
Killea, Herger, Senators Nielsen, Garamendi, and Bill
Greene

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**COALITION OF CALIFORNIA
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EXECUTIVE SUMMARY

The author of the program states that the purpose of this bill is to **prepare AFDC recipients for jobs through training, educational opportunities to make the AFDC program more acceptable to the public.**

The program will serve about 35% of the caseload. Most of these people will be required to register for work.

CONTRACT

After registration they enter into a **contract**, which outlines the participants rights and responsibilities and the participant is required to sign the contract **as a condition of eligibility.**

The contract shall also reflect the supportive services that the **county determines the participant needs.**

In signing the contract, the participant does not have a choice wherein the decision is that of the participant and not the county. This document will be used against the participant who fails to comply with the decisions made by the county.

JOB-SEARCH

The registrants are divided into four (4) groups by statute and a member of each groups is required to participate in a certain activity as a condition of eligibility:

1. Persons who have been on aid for more than twice during the past three years is not required to participate in the job-search phase of the program;
2. Persons who have been on aid for less than 2 years are required to participate in the job-search portion of the program which cannot exceed three (3) weeks as determined by the county welfare department;
3. Those persons who have been on aid for more than 2 years are required to participate in a job club, then a three (3) week job search program.
4. There is a fourth element, which provides that if "appropriate", participants who need education "may" be allowed to take some adult education courses. The statute allows the county to make the determination of appropriateness. Even if the county decides that education is "appropriate", they "may", but are not required to refer the participant to remedial education.

ASSESSMENT AND ALLEGED CHOICES OF THE PARTICIPANT

If the participant fails to find a job after going through the mandatory job search phase of the program, then he or she is referred to an assessment. During this assessment the **county welfare department** shall determine what type of training the participant

should receive. The statute mandates that the county welfare department establish **target groups** and the target group will be targeted for a **target service**. Thus when the participant arrives at the assessment interview, all the county has to do is determine which **target group** the participant belongs to and refer that participant to the **target service**. Upon such determination the contract is amended and the participant signs a new statement an amended statement of rights and responsibilities.

After the completion of the target service the participant is required to do a 90 day job search. If the participant fails to find work during that time, then they are referred to a one-year workfare program.

ONE YEAR WORKFARE

There are two (2) types of one-year workfare programs:

1. The first one is called the "basic" workfare program. This program will be imposed upon persons who have not demonstrated good work behavior during their participation in the targeted service or other aspects of the program;
2. The second one is the "advanced" workfare program, which is available to those persons who demonstrated good work behavior.

The participant must work off his or her AFDC and Food Stamp benefits, including the child support payments that are go directly to the district attorney. If the person works off their entire grant in any month and years later the county discovers that the family should not have been receiving aid for some other reason, they will be required to pay back the AFDC funds they've worked for.

WHO MUST PARTICIPATE

Participation is required of all persons who do not have a child under the age of six years old. Thus participation in the program will be required of pregnant women with no other children, because the Deukmejian Administration does not consider the unborn to be a person, grandparents and other relatives who are not the custodial parent of the child and legally responsible for the support of the child will also be required to participate.

The bill fails to do anything about the major cause of welfare-lack of jobs available to AFDC recipients.

FISCAL ANALYSIS

The program costs have been estimated at \$266.3 million each year, once the program becomes fully operational. The figures outlined below are based on the estimate done by the Department of Social Services.

About half of the funding comes from mostly existing programs, such as WIN-Demo-\$37.9;

EPP- \$8.2 million; San Diego County Workfare Program- \$0.4 million; JTPA- \$42.8; JTPA Educational Linkage- \$6.9 million; Regional Occupational Programs- \$5.9 million; ADA Community College- \$20.0 million and ADA Adult Education- \$7.9 million for a total of \$130.000,000.

The program will have \$1 million appropriated to cover the costs of 20 new state employees to supervise the counties and for other state functions.

When the program is fully implemented, the costs will be as follows:

Registration/Orientation	\$1.2
Remedial Education	9.3
Job Club	47.4
Assessment	15.6
Short Term Training	140.2
90-Day Job-Search	3.2
1-Year Workfare	47.0
Transitional Child Care	.9
Marketing	.5
State Support	1.0

The various program total costs are broken down into four categories: (1) Administration; (2) Work Related Expenses; (3) Child Care; and Workmen's Compensation costs.

Administration	\$ 144.3
Child Care	\$ 61.8
Work Related Expenses	\$ 31.3
Workmen's Compensation for Workfare	\$ 9.1

The state has informed us that the \$1 million for state support will result in 20 new state positions.

The WIN program has about 400 employees who serve 60,000 participants through the job club/job search process, which is only one of the components of the Agnos Swoap Workfare Legislation.

The Agnos-Swoap legislation anticipates that 145,000 persons will receive job-club/job search services.

In addition, the program will have another 110,000 persons in the various workfare programs.

Given the increased number of participants, it is reasonable to assume that the county will have to hire more people.

County Funds Available \$136 million	New Persons to be hired 2,500
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This estimate is based on the fact that with \$1 million the state will employ 20 persons. The county should also be able to hire 20 persons for each million they receive. They will need to hire new people because of the increased number of persons that will be participating in the program. Moreover, it is not clear from the legislation whether or not E.D.D. will be doing the job-search workshops. Some counties may want to do their own job search/job clubs. The legislation provides for maximum county flexibility.

WILL THE CHILD CARE FUNDS BE SPENT?

Given the fact that most of the activity is anticipated to be in **Job Search and Workfare**, we estimate that the county will schedule these assignments while the children are in school. The legislation provides that only if the county determines that the participant "needs" child care will child care costs be paid. **The legislation fails to allow the participant to decide if they need child care assistance.**

WILL WORK-RELATED EXPENSES BE PAID?

The bill anticipates that **\$31.3 million** will not be paid for work-related expenses, because it is the county's decision to decide if the participant has any work-related expenses, rather than the participants decision. Moreover, participants have no meaningful opportunity to indicate their need for work-related expenses in a written form.

INTRODUCTION

This is an analysis of the Agnos-Swoap workfare bill. This bill represents one of the more comprehensive punitive workfare approaches devised to date. The bill has heavy emphasis on job-search workfare and there is very little job training or job development.

Mr. Swoap has tried for three years to convince the United State Congress to mandate workfare nationwide, but the Republican Senate Finance Committee has rejected his proposal because they discovered that workfare costs more than it saves. It appears that Mr. Swoap has been able to recruit Mr. Agnos and they are jointly trying to do in California what Mr. Swoap failed to do in Washington as a representative of the Reagan Administration.

The proponents of the bill assume that our economy has unlimited jobs. The alleged reason that welfare recipients are not getting jobs is because they just don't know how to present themselves or connect themselves with the alleged jobs. They assume that once welfare recipients are told how to dress, how to use the phone book, a miracle will happen and all of a sudden everybody will have jobs. This is a fantasy and it has no connection with the real world.

In June, 1985, there were 964,000 unemployed persons, 360,000 of them were receiving unemployment benefits. These are people actively looking for work today. Most of the 200,000 people that this program will serve are not included in the state unemployment statistics.

It is clear that this bill, which promises to obtain employment for 150,000 persons during a year and a half, is not realistic.

Similar promises are made in the intent section and other parts of the bill- but the language in the instrumental sections makes it very clear that the promises are not meant to be kept (relative to child care services, choices, advance payments, etc).

Passage of this bill in its present form will accomplish little apart from bringing about a major expansion of the welfare bureaucracy. That's fine for administrators who are understandably eager to see their empires expand. It's not so good for the taxpayers. Since we know that this type of program is not cost effective. And it's hell for the already harassed single or unemployed parent who has been targeted by the bill as one of the guinea pigs upon whom, and upon whose children Agnos and Swoap propose to test their "experiment".

The following is a section-by-section analysis of the Agnos-Swoap Workfare Bill. At the end of our analysis we will have a copy of the legislative language contained in the bill

SUMMARY OF SECTION 11320

This is an intent section which provides that recipients shall be expected to work. It also provides that the recipient shall enter into an explicit contract with the county. It also outlines specific principles of the program, such as; "recipients shall be able to make choices".

ANALYSIS OF THE SECTION

This Section contains some nice language, but it is merely intent language. It has no real force of law. In fact, the specifics as to how this intent is carried out in later sections shows that no matter what the intent of the bill, the program will not operate the way it is intended to operate. The statutory language does not require that the program operate in accordance with the language in the intent sections.

RECIPIENT IMPACT STATEMENT

There is no real impact. It merely paints a rosy picture of a program which in reality is punitive, demeaning, and doomed to fail.

C.C.W.R.O POSITION

Oppose.

RECOMMENDATIONS

The bill should be amended to assure that the program operation is consistant with the fine intent language set forth in this section.

11320. The Legislature finds and declares all of the following:

(a) Applicants for, and recipients of, aid under this chapter desire to work, and will do so if provided with the opportunity.

(b) The state and counties shall provide applicants for, and recipients of, aid under this chapter with the opportunity to obtain employment by offering a full range of employment training and supportive services, consistent with the needs of participants, that allow for informed choices in order to meet their employment goals.

(c) Able-bodied applicants for, and recipients of, aid under this chapter, are expected to work. The timeframes for fulfilling this expectation shall be set forth in an explicit contract between an applicant or recipient and the county.

(d) Because success of any program will depend on the state, it must exercise leadership to engender enthusiasm among counties, county welfare department directors, and county welfare department line staff, who are the principal contacts for many recipients enrolled in the program.

(e) A successful program should also be based upon all the following principles:

(1) Recipients should be able to make choices and to

live up to the responsibilities involved in those choices.

(2) Participants should have an early opportunity to obtain a job.

(3) Expenditures should be targeted where they can do the most good.

(4) The state and the counties have a responsibility to provide a sufficient level of services to meet the needs of participants, as well as to undertake sufficient public information efforts to make recipients, potential participants, employers, or other public or private entities aware of the components, opportunities, and benefits of this program.

(5) New programs should be good investments of public funds. Added costs to the system should be incurred only when they are likely to result in long-term personal and community payoff.

(f) Clients should not be placed in any unassigned pool while waiting for a scarce resource.

(g) Most types of employment and training program components for applicants for, and recipients of, aid under this chapter have been successfully tried in this state.

(h) Aid under this chapter is available to persons who meet eligibility requirements. The program provided for in this article should not hamper continuation of this state's existing system of fraud detection, one of the most successful in the nation.

SUMMARY OF SECTION 11320.1

This Section requires all recipients who are required to register for work under federal law to register for work with the county welfare department. It also allows any person who is not required to register for work to register with the program, if they so desire.

ANALYSIS OF THE SECTION

This section makes no changes from existing practice.

RECIPIENT IMPACT STATEMENT

None.

C.C.W.R.O.

None. This is a federal requirement.

RECOMMENDATIONS

None.

11320.1. Every applicant for, or recipient of, aid under this chapter who is required to register for employment and training programs pursuant to Section 11310 shall be required to register under this article with the county welfare department. Any applicant for, or recipient of, aid under this chapter who is not required to participate under this article may volunteer to participate in the program.

Any person required to register under this article with the county welfare department, and who refuses to register, shall be subject to the procedures provided for in subdivision (a) of Section 11320.5.

SUMMARY OF SECTION 11320.2(a) and (b)

This section requires that the program be administered pursuant to regulations promulgated by the Department of Social Services, which shall be done through emergency basis. It also provides that each county shall submit a county plan for approval by the department. The plan has to be "cost effective" and "no plan shall be approved which requires job search and work experience of participants to the exclusion of a range of services."

ANALYSIS OF THE SECTION

This section does not mandate that all of the various services be available. It merely requires that there has to be some other services besides job-search/workfare, but it also makes it very clear that the program has to be **cost effective**. The only programs that the Department considers to be cost effective are job-search and workfare. Thus, most plans will be heavy on job-search and workfare. There will be **some other token programs available**. If a county submits a plan that has a full range of services, it will surely be disapproved by the Department for not being cost effective.

RECIPIENT IMPACT STATEMENT

The program will not offer training opportunities to recipients. It will force all recipients into job-search/workfare, which will not assist recipients obtaining jobs. Jobs which they would not have been able to get without this program.

C.C.W.R.O. POSITION

Oppose.

RECOMMENDATIONS

This section should be amended to mandate that the county plan offer a full range of services. Cost effectiveness shall be deleted as a requirement. Such a requirement would mean that most recipients would only receive job-search/workfare services.

11320.2. (a) County welfare departments shall administer this chapter, in a manner consistent with the provisions of this chapter and regulations adopted by the department in order to implement this chapter.

(b) Each county welfare department, with the cooperation of local private industry councils, as provided for under Division 8 (commencing with Section 15000) of the Unemployment Insurance Code, shall design a package of services to be provided to participants receiving services under this article, that reflect available resources and local job market needs. Each plan shall specify what types of services are to be targeted to specific groups of program participants pursuant to Section 11320.4. A joint plan may be submitted by two or more consenting counties. The county's plan shall specify services which are needed by groups targeted by a county pursuant to Section 11320.4, but which are unavailable, and the plan shall specify methods for developing the availability of these services within a reasonable time period.

Prior to implementation, each plan must receive approval by the department. In determining whether a plan should be approved, the department shall consider the cost effectiveness of the plan, in addition to the appropriateness of the services proposed to be delivered under the plan, given the local labor market, maximum utilization of existing and generic services, and administrative ease. No plan shall be approved by the department that does not provide an adequate range of services as described in Section 11320.3, and no plan shall be approved which requires job search and work experience of participants to the exclusion of a range of services.

SUMMARY OF SECTION 11320.2 (c)

This section requires that the county plan shall be consistent with the plans developed by the JTPA program. It shall also consider the goals of training program participants; reducing welfare costs and placements in unsubsidized employment.

ANALYSIS OF THE SECTION

Although this section requires that the plan consider the desires of the business interests of each community, it fails to consider the viewpoints and interests of the recipient public in a meaningful manner. There is no provision for public hearings wherein the concerns of the poor will be taken into consideration. There is no provision for a process whereby the county will work with the recipient representatives in the development of the program. It appears that the poor and their representatives are to be treated as second class citizens.

RECIPIENT IMPACT STATEMENT

This process will totally exclude the recipients and their representatives from becoming involved in the developmental process of the county plans.

C.C.W.R.O. POSITION

Oppose.

RECOMMENDATION

The bill should be amended to: (1) require that a public hearing be held on the county plan consistent with the statutes governing the Community Services Block Grant local plan hearings; (2) require each county to have an advisory committee of recipients and their representatives. These representatives shall meet once a month to receive input from program participants, and make recommendations to the county, Department of Social Services (DSS) and Legislature. There should also be a statewide advisory committee which should oversee the entire program and advise the Department and the Legislature on how the program is operating.

(c) In order to measure the effectiveness of county plans under this article program standards for this article shall be consistent with those developed for service delivery areas pursuant to Division 8 (commencing with Section 15000) of the Unemployment Insurance Code. The Health and Welfare Agency shall insure that standards shall include, but not be limited to, (1) the goals of training program participants for unsubsidized employment and, (2) reducing welfare costs by increasing earnings of program participants in unsubsidized employment, (3) placement in unsubsidized employment resulting from all program components.

SUMMARY OF SECTION 11320.2(d)

This section allows the counties to include General Assistance and Refugee Services recipients in their county plan, provided the county does not use funds appropriated for this program. If the county chooses to include general assistance and refugee services recipients in the program, then those recipients shall be subject to the provisions of this bill.

ANALYSIS OF THE SECTION

Most refugees have a need for special types of services because of their backgrounds. This program is not designed for refugees.

RECIPIENTS IMPACT STATEMENT

We believe that this program will hurt refugees by forcing them into a long term job-search-workfare, when what they really need is an education.

C.C.W.R.O. POSITION

None.

RECOMMENDATION

Mandate that the special needs of the refugees be considered, if they are to be included in the program.

(d) A county plan may also provide that the program provided for in this article shall apply to refugees or recipients of aid under Part 5 (commencing with Section 17000), except that no funds appropriated for purposes of this article shall be utilized for purposes of applying this article to these individuals. If a county elects to apply the program provided for in this article to either refugees or recipients of aid under Part 5 (commencing with Section 17000), the county shall maintain separate accounting records of expenditures related to applicants for, and recipients of, aid under this chapter, and for the individuals to whom the program applies pursuant to this subdivision. If a county elects to apply the program provided for in this article to either refugees or recipients of aid under Part 5 (commencing with Section 17000), these individuals shall have the same rights, duties, and responsibilities that a participant has who is an applicant for, or a recipient of, aid under this chapter. Any participation by General Assistance recipients shall not constitute any actual or implied responsibility for, or assumption of, costs of general assistance by the state.

SUMMARY OF SECTION 11320.2(e) and (f)

This section provides that the program may be phased in within a two (2) year period and shall be totally operational within three (3) years.

ANALYSIS OF THE SECTION

There is no requirement that the county phase-in be implemented pursuant to the county plan, which shall specifically set forth how this phase-in will be implemented.

The phase in should be implemented statewide, rather than on a county by county basis. When a client moves from one county to another county, he/she have problems. One such problem would be termination from aid from the previous county for failure to participate in the program. Moreover, some counties may allege that people are coming to their counties to get away from an early implementing county.

RECIPIENT IMPACT STATEMENT

The unequal phase can cause confusion for recipients who are moving from one county to another.

C.C.W.R.O. POSITION

Oppose.

RECOMMENDATIONS

The bill should be amended so that "the phase in" will be carried out simultaneously in all counties according to the statewide plan.

In addition, it will be prudent to test the program before it is implemented statewide. The test should be evaluated by the Legislature before it is implemented on a statewide basis given the admission of the proponents of the bill that this type of program has never been tried before.

(e) Each county shall submit its plan to the department within two years from the effective date of this article, as added during the 1985-86 Regular Session. Notwithstanding subdivision (f), a county may phase in the application of its program to all qualified recipients over a period of up to two years from the date upon which the program commences to operate in the county. A county may incorporate into its plan any existing employment or training program for applicants for, or recipients of, aid under this chapter which is operating in the county to the extent that the program is consistent with this article.

(f) This program shall be fully operational on a statewide basis within three years after the effective date of this article, as added during the 1985-86 Regular Session, by which time the department shall approve all county plans.

SUMMARY OF SECTION 11320.2 (g)

This section requires the counties to gather information and monitor their own operations making sure the law is being implemented by the counties. This section also requires that the Department make annual reports to the Legislature based upon the monitoring of the county workfare operators themselves.

ANALYSIS OF THE SECTION

It is clear that this section has very little substance. **It has the fox guarding the chickens.** The **fox** can easily manipulate the figures as most bureaucrats do and make the program look good, when it is clearly not a good program.

There is no requirement for a continuous independent monitoring of the program. In addition there is a failure to provide opportunities for recipients and their representatives to monitor the program. There are no opportunities for recipients and their representatives to obtain corrections of program operations when they discover that the program is not being operated in accordance with the law nor the intent of the law.

There is no specific process whereby recipients or recipient organizations can file complaints and obtain decisions from the Department regarding operational problems they may discover.

RECIPIENTS IMPACT STATEMENT

The lack of enforcement or monitoring of the program will result in recipients being required to participate in the program even while it is operating contrary to the law and contrary to intent of the law or face loss of welfare benefits for up to six months..

C.C.W.R.O. POSITION

Oppose.

RECOMMENDATIONS

The program should be monitored continuously by an independent agency. The bill should contain language describing what shall be monitored to make certain that the monitoring is not done in such a fashion as would result in a positive report, even when this may not be the case.

There should also be a process whereby the counties would face severe sanctions, similar to the sanctions faced by recipients for failure to operate the program in accordance with the law and the intent of the law authorizing the program.

Finally there should be a process whereby recipients or their representatives would be allowed to file a complaint and obtain findings of facts and action similar to the process available in the state legislation authorizing the JTPA program.

(g) The department shall obtain from the counties, and shall compile, data on program cost, the number of program registrants, and the number of individuals placed in program components. In addition, the department shall, or shall require the counties to, monitor all aspects of the program to determine its effectiveness. The program review required by this subdivision shall include, but need not be limited to, the appropriateness of the categorization of participants, the appropriateness of assessments and employment plans, the appropriateness of community work experience assignments, including a periodic review of the appropriateness of these assignments, the effectiveness of training components based upon the number of

individuals placed in employment, and the appropriateness of sanctions utilized against program participants. The program review required by this subdivision may be conducted through the utilization of a statistically valid random sample of participant cases. The department, or the counties if the department requires the counties to perform the program review required under this subdivision, may contract for monitoring services.

Utilizing the data compiled pursuant to this subdivision, the department shall, commencing one year after the effective date of this article, as added during the 1985-86 Regular Session, annually report to the Legislature and the Governor on the effectiveness of the

SUMMARY OF SECTION 11320.3 (a) and (b)

This section provides that the county plan shall specify how the various services will be delivered to recipients. It also allows the county plan consistent with local conditions and labor markets to permit different types of program component choices to be made available to each target group.

ANALYSIS OF THE SECTION

This section contains tricky language which can only have been included for the purpose of misleading the initiated. An attempt is made to create the illusion that recipients will have available to them a range of options and a variety of supportive services. In reality these options and services will only be made available to a select few, with the selection made by the county welfare department. Obviously, this opens the door to a wide range of abuses.

Not all of the various choices will be available to all participants in the county. This section allows the county to categorize participants into "target groups" and specify what option(s) will be available to each target group. Most recipients would be placed in the target group that "needs" job-search-workfare. This section effectively limits the choices available to recipients participating in the program.

RECIPIENT IMPACT STATEMENT

This section, consistent with the entire bill, would limit program components available to recipients to job-search/workfare.

C.C.W.R.O. POSITION

Oppose.

RECOMMENDATIONS

This section should be amended to mandate that the full range of services be made available to all recipients.

11320.3. (a) Each plan submitted pursuant to Section 11320.2 shall contain a methodology for the provision of job services, training and education, and supportive services to program participants. This methodology must specify how county welfare departments will cooperate with, and maximize the use of, existing education, child care, job service, and other appropriate local service providers. To the extent existing programs are available to county residents, each plan submitted pursuant to Section 11320.2 shall specify the manner in which these programs shall be utilized to provide services specified in this section. The county may provide services directly to program participants or enter into interagency agreements or contracts with private or public agencies for the provision of these services.

(b) Each county shall specify in its plan its target groups and the choices that shall be made available to each target group, pursuant to Section 11320.4. Consistent with local conditions and labor markets, the county shall permit different types of program component choices to be made available to each target group.

SUMMARY OF SECTION 11320.3 (c)

This section outlines the main event on the job search/workfare menu- job search. There are job clubs, which shall include job search workshops and supervised job search, and unsupervised job search.

ANALYSIS OF THE SECTION

Mandatory job search and job clubs are used to force recipients to find jobs **the big brother government's way**. There is no evidence that job-search programs result in recipients getting more jobs that they would not have otherwise obtained without "big brother" government breathing down their necks. There is ample evidence that job search does create a lot of jobs in state and local government.

RECIPIENT IMPACT STATEMENT

Job clubs assume that recipients have no idea of how to look for work. One of the most degrading events in the job club is when the well dressed job club employees tell AFDC recipients how they should dress when they apply for a job. They know good and well that recipients do not have the funds to purchase good clothing for job search.

C.C.W.R.O POSITION

Opposed.

RECOMMENDATIONS

The bill should be amended to require that the county make a definitive finding that the recipient has marketable skills; that there are available jobs in the community and that the jobs pay enough to meet the actual expenses of the family prior to being assigned to the job search component. A written copy of this county assessment must be provided to the recipient. The recipient must have the right to file for a fair hearing if they disagree with the finding of the county.

(c) As provided in the contract entered into pursuant to Section 11320.5, job services shall include, but not be limited to, all of the following:

(1) Job club, which shall consist of both of the following:

(A) Job search workshops. These job search workshops shall be group training sessions where participants learn various job finding skills, including training in basic job seeking skills, job development skills, job interviewing skills, understanding employer requirements and expectations, and how to enhance self-image and confidence.

(B) Supervised job search, which shall include, but not be limited to, phone banks or other organized methods of seeking work which are overseen, reviewed, and criticized by a trained employment professional. The amount and type of activity required during this supervised job search period shall be determined by the

county and the participant, based on the participant's employment history and need for supportive services, and shall be consistent with regulations developed by the department.

(2) Unsupervised job search. The individual shall seek work in his or her own way, and make periodic progress reports to the county welfare department or the agency contracting with that department.

(3) Job placement, which shall include, but not be limited to, referrals to jobs listed by employers with the State Job Service.

(4) Job development, which shall be active assistance in seeking employment provided to a participant by a trained employment professional on a one-to-one basis.

(5) Employment counseling, which shall be counseling aimed at helping a person reach an informed decision on an appropriate employment goal.

SUMMARY OF SECTION 11320.3 (d)

This section lists the various types of programs that will be available after the recipient completes his/her job-search component. They "include, but are not limited to"; job training, workfare for three months, workfare for one year, adult basic education, college and community college education that can reasonably be expected to lead to employment within two years, grant diversion and supported work.

ANALYSIS OF THE SECTION

Although this section states that all of these services shall be made available to recipients, it is inconsistent with the section which allows the county plan to decide which services shall be included in the county plan based upon "cost effectiveness".

The decision as to which service the recipient can choose is not up to the recipient. In the final analysis it is up to the county.

The education component is based on the criteria that such education shall reasonably lead to full-time unsubsidized employment. Given the policy of the Deukmejian administration that the only thing that leads to full-time unsubsidized employment is job-search/workfare, it is very unlikely that recipients will be allowed to have access to educational opportunities.

We are enchanted with this new terminology "pre-employment preparation". Can we assume that the county will guarantee a job at the end of this so-called pre-employment preparation period?

What this section contains in the final analysis, without the fancy words trying to mislead people into thinking that this is something else, is pure and simple "mandatory and punitive workfare".

RECIPIENT IMPACT STATEMENT

The program assumes that welfare recipients have never worked a day in their life. It appears that the proponents of this legislation do not consider raising children a "job", rather it is something that "women do naturally".

The one year pre-employment preparation is a plain insult to women with children. It is the most negative statement we have witnessed in any workfare legislation starting with workfare legislation proposed by Ronald Reagan and many of the ultra-conservative Republicans of California.

The three-month workfare is worse than insulting, when one considers the fact that this is mandatory and the recipient has **no choice**, although the bill makes the initial claims in the intent section that recipients have a **choice**. **It is clear that recipients have no choice and the choices are made for them in the bill-job-search/workfare for 15 months.**

The "preemployment preparation program" which is most commonly known as **workfare**, is very different from a job. The difference between a job and a workfare slot is:

A JOB

wages

A WORKFARE SLOT

a welfare check

social security coverage	no social security coverage
UI coverage	no UI coverage
sick time	no sick time, unless verified
vacation	no vacation
opportunity to join the union	barred from union membership
workmen's compensation	no workmen's compensation
other employee benefits	no employee benefits
advancement opportunities	no advancement opportunities

It is clear that workfare does not benefit recipients. It creates a free workforce for state and local government and nonprofit organizations, such as hospitals, nursing homes, community action agencies and other organizations who will use women with children as a cheap labor force without any benefits to the women.

When you consider this section with section governing the county plan, it is evident that the only program component that will really be available is workfare.

C.C.W.R.O. POSITION

Oppose.

RECOMMENDATIONS

This section shall be amended to provide that notwithstanding the provisions of the county plan, recipients shall have a "free choice" as to which one of these components they want to participate in.

The education component should be amended to allow recipients to choose education as a vehicle to independence and to allow the recipient to make a judgement that such education would lead to employment, rather than deferring to "big brother government" to make that decision for the "helpless welfare recipient".

In addition, workfare should be limited to 13 weeks, similar to the workfare program in San Diego. It must be voluntary, similar to the legislation carried by John Garamendi (SB 15).

(d) As provided in the contract entered into pursuant to Section 11320.5, training and education services include, but are not limited to, all of the following:

(1) Job training, which shall include, but is not limited to, training in employer-specific job skills in a classroom or onsite setting, including training provided by local private industry council programs and community colleges.

(2) Preemployment preparation shall be work for a public or nonprofit agency that provides the participant with either of the following:

(A) Basic preemployment preparation, which shall provide work behavior skills and a reference for future unsubsidized employment.

(B) Advanced preemployment preparation, which shall provide on-the-job enhancement of existing participant skills.

A short-term preemployment preparation assignment shall be for approximately three months. A long-term

preemployment preparation assignment shall not exceed one year. The number of hours a person participates in a preemployment preparation program shall be determined by adding his or her aid grant under this chapter and his or her food stamp allotment and dividing by the average hourly wage for all job orders placed by the Employment Development Department. The average hourly wage shall be updated annually every July 1.

(3) Adult basic education, which shall be preemployment basic education, including reading, writing, and arithmetic necessary for employment or job training, including high school proficiency.

(4) College and community college education, when that education provides sufficient employment skills training that can reasonably be expected to lead to employment.

(5) Vocational English-as-a-Second-Language which shall be intensive instruction in English for non-English

speaking participants, coordinated with specific job training.

(6) Grant diversion which shall be public or private sector employment, at comparable wage rates, in which the recipient's cash grant is diverted to the employer as a wage subsidy. Prior to implementation of any grant diversion program under this paragraph or paragraph (7) a county shall submit to the department a plan for the grant diversion program, and approval of the plan must be obtained from the department.

(7) Transitional employment or supported work which shall be a form of grant diversion in which an intermediary service provider, rather than the employer, receives the participant's welfare grant as reimbursement for providing support services to the participant, who is assigned, with the assistance of the intermediary service provider, to subsidized or unsubsidized employment at comparable wage rates for the job being performed.

SUMMARY OF SECTION 11320.3(e)

This section outlines the various supportive services that are available. It provides that child care services shall be available to recipient who **needs** such services, transportation, ancillary expenses pursuant to regulations promulgated by the department.

It also provides that such payments may be advanced "whenever necessary".

ANALYSIS OF THE SECTION

This section does not specify that actual expenses will be paid. What it does do is claim that expenses will be paid-but-it is left to the county to determine the actual amounts. It is not very likely that the regulations will allow for the payment of actual expenses. It is likely that DSS will promulgate a regulation which will provide for the payment of a set amount of expenses, even if the recipients' actual expenses exceed that amount.

Although the statute provides for child care services, such assistance is based upon the county's determination that the participant "needs" child care. Given the experience in San Diego County, we can assume that most people will be found not to be in need of child care services.

We arrive at this conclusion because the bill clearly states that no child over the age of 12 years old will receive child care assistance, but it fails to state who will receive child care, when the child is under the age of 12.

We also question whether in every case, children over the age of 12 years do not need child care assistance. **14 years would be a more reasonable benchmark (high school age).**

There is also some language about advance payments of expenses. The main problem with this section is that the statute allows advance payments to be issued only if the county "determines" that it is necessary.

This section fails to **mandate the county to verify that the recipient is not using their AFDC funds to participate in the program and to verify that the recipients have safe and adequate child care services.**

RECIPIENTS IMPACT STATEMENT

This provision would result in AFDC recipients participating in this program without receiving child care services, transportation services or other services. It is likely that the department will impose a ceiling amount of supportive services for recipients, such as \$25.00 a month, leaving the recipient to decide which expenses to pay out of the \$25.00 and which to pay out of his/her AFDC grant.

Many recipients in San Diego County are using their limited AFDC funds to participate in the program and are not receiving adequate and safe child care services. The county has determined that they do not "need" such services. CCWRO can cite many examples of such determinations having been made when the recipient did in fact have a need for the service in question.

Because child care assistance will be based upon the county's determination of whether or not the family needs child care, we estimate over 300,000 latchkey children will be created as a result of this program.

Because the county will decide whether or not an advance payment is necessary, we estimate that many recipients will be spending their childrens' food money to pay for the costs of participation in this program.

C.C.W.R.O. POSITION

Oppose.

RECOMMENDATIONS

The bill be amended to specify that recipients shall be entitled to actual expenses incurred in their participation of the program.

*It shall also provide that the county will **verify** every month that the recipient is not using his or her own AFDC funds to participate in the program and is receiving safe and adequate child care services.*

All recipients who enter the program shall have child care available based on the following criteria:

" It shall be assumed that all participants will find full-time unsubsidized employment. Child care services shall be available based on the assumption that they will find full-time employment and will need readily available child care in order to accept such employment. No person shall be allowed to participate in the program for whom the county does not have child care services based on this assumption."

One of the problems we found in San Diego County is that workfare participants were not able to accept employment due to the lack of child care while they were doing their job search and then were placed in workfare for failure to find employment.

All expenses shall be paid in advance, unless the participant waives their right to an advance payment in writing. Because we know that most AFDC recipients receive very little money from the AFDC program, it is assumed that most recipients will need advance payments to participate in this program.

(e) As provided in the contract pursuant to Section 11320.5, supportive services shall include, but are not limited to, all of the following:

(1) Child care. Paid child care shall be available to every participant with a child under 12 years of age who needs it in order to participate in the program component to which he or she is assigned.

(2) Transportation costs shall be paid for every participant to and from his or her job or training assignment.

(3) Ancillary expenses, which shall include the cost of books, tools, clothing, fees, and other necessary costs of a work or training assignment.

(4) Personal counseling. A participant who has personal or family problems that would affect the outcome of the employment plan entered into pursuant to Section 11320.5 shall, to the extent available, receive necessary counseling or therapy to help him or her and his or her family adjust to his or her job or training assignment.

SUMMARY OF SECTION 11320.3 (f)

This section provides that **"whenever necessary"** and desired by the recipient, costs related to supportive services shall be advanced to participants.

It also provides that if the recipient finds a job, then the department will provide child care for a transitional period as specified by regulations developed by the department.

It also states that medical assistance will be available consistent with federal regulations.

ANALYSIS OF THE SECTION

1. We do not anticipate many persons receiving "advance payments". The issuance of such payments are based upon the determination of the county that such advance payments are "necessary". The statute lacks any objective guidelines for determining "need" of such advance payments.

2. Transitional child care services are to be provided pursuant to regulations promulgated by the department. The statute fails to specify the period that such child care services will cover. No objective criteria is provided to determine who will receive such transitional child care assistance. **Under this statute, child care assistance until receipt of the first paycheck would be sufficient.**

3. Medical coverage will be provided "consistent with federal regulations" which means that from federal regulations which allow a 9 month coverage or a 15 month coverage, the state can choose the shorter option. Moreover it should be pointed out that in order to be eligible for this federal medical coverage, there are numerous complicated requirements with limitations as to how much income a recipient can earn.

RECIPIENT IMPACT STATEMENT

The statute does not make the advance payments an entitlement, the determination whether a need exists is up to the county. We do not believe that many recipients will receive advance payment. Most recipients will be forced to use their AFDC funds to pay for the costs associated with this program to avoid the punitive up to six month sanctions..

We have found many families participating in job-search and workfare programs using money needed for their children's food to meet the expenses related to participation in the job-search/workfare programs.

Most recipients will receive little or no assistance from the Department insofar as child care assistance is concerned.

Medical coverage will be limited to the most conservative option available to the state.

C.C.W.R.O. POSITION

Oppose.

RECOMMENDATIONS

The statute should be amended to mandate that all recipients receive advance payments for any or all expenses they determine that is needed for participation in the program.

Participants could be required to provide copies of receipts to verify expenditures. There should be a presumption that participants need advance payments given the low AFDC grants they receive.

The statute should be more specific as to the period of time participants who are able to obtain employment are entitled to child care assistance. We assume a one yeara period is what the author was talking about. If this is the case, then it should be reflected in the statute and not deferred to regulations.

Medical coverage should be provided to the maximum amount allowed by federal law and regulations, rather than "consistent with federal law". Moreover, persons who are not eligible for federal medical assistance should receive state medical assistance with a Medi-Cal card.

(f) Payments for supportive services, as described in subdivision (e), shall be advanced to the participant, wherever necessary, and when desired by the participant, so that the participant need not use his or her funds to pay for these services.

If the participant is working in unsubsidized employment after having participated in this program, child care shall be provided for a transition period, to be specified in regulations adopted by the department. If the participant is working in unsubsidized employment after having participated in this program, coverage under the Medi-Cal program shall also be provided for a transition period consistent with federal requirements.

The cost of support services, including reimbursement to licensed day care providers, shall be governed by regional market rates. Participant plans shall, where appropriate, include referrals to local resource and referral agencies, as early as possible. The department shall develop regulations to implement a sliding scale fee system for participants receiving supportive services and who are earning a wage. Each county welfare department shall be encouraged to contract with existing service providers for support service arrangements. Day care by family members shall be encouraged, but the choice between child care by a family member or by a legal day care provider shall be made by the recipient.

(g) The Health and Welfare Agency, the Chancellor's office of the California Community Colleges, and the Department of Education shall develop and implement regulations whereby any payment for services delivered pursuant to subdivision (d) by a county or an entity contracting with a county shall be made in accordance with a performance contract. Under these contracts, no payment shall be considered earned until the recipient has successfully completed the education program, or in the case of job training, the participant has been retained in unsubsidized employment for at least 90 days.

(h) Whenever a plan entered into pursuant to Section 11320.5 provides for the use of education services provided for in subdivision (d), utilization of each education program component shall not exceed two academic years.

SUMMARY OF SECTION 11320.35

This section contains the displacement language in an effort to assure that workfare will not result in the displacement of regular working people.

ANALYSIS OF THE SECTION

It has been shown that no matter how one tries, workfare will always displace existing or future workers. The whole purpose of workfare is to get a job done without paying for it. It is unreasonable to assume that workfare will not displace past, current or future workers.

It will also mean that governmental and nonprofit organizations will consider the availability of workfare services before they decide to create a new position for a job full time permanent employee.

RECIPIENT IMPACT STATEMENT

Displacement language will not prevent former workers from ending up in a workfare program doing what they use to do without pay or from ending up in a workfare job doing what they would have been paid to do had there been no workfare program.

C.C.W.R.O. POSITION

Oppose.

RECOMMENDATION

There is no language which can resolve the displacement problem. No matter how tight language is drafted, bureaucrats will find a way around the language.

11320.35. An employment or training program position utilized pursuant to this article may not be created as the result of, or may not result in, any of the following:

(a) Displacement of current employees, including overtime currently worked by these employees.

(b) The filling of established unfilled positions, unless the positions have been designated to remain unfilled in a public agency budget in order to obtain salary savings.

(c) The filling of positions which would otherwise be promotional opportunities for current employees.

(d) The filling of a position, other than an entry-level position, prior to compliance with applicable personnel procedures or provisions of collective bargaining agreements.

(e) The filling of a position created by termination, layoff, or reduction in workforce.

(f) The filling of a work assignment customarily performed by a worker within a recognized collective bargaining unit in that specific worksite.

(g) A strike, lockout, or other bona fide labor dispute, or violation of any existing collective bargaining agreement between employees and employers.

SUMMARY OF SECTION 11320.4

This section provides that each county shall provide services which "best meet his or her needs". This determination shall also consider what the county has determined to be a target group and what services shall be provided to those target groups. It also mentions that participants shall have a choice to participate in the various programs set forth in the bill.

It also provides that recipients who have been on aid for more than two (2) years shall receive the more expensive services and the people who have been on aid less than two (2) years shall receive the cheap services.

ANALYSIS OF THE SECTION

This section contains a lot of conflicting statements. It first starts off with the statement that services shall be provided to recipients that "best meet his or her needs" but fails to state who makes that determination. We must assume that such determination is made by the county. The fact that job-search/workfare generally will be determined by the counties in most cases to "best meet everybody's needs" leads us to believe that most people will receive job-search/workfare services.

It also provides that services shall be targeted to various groups. Thus the county will decide that most people fit in a target group that would best benefit from workfare and workfare will be the only services that most will receive.

Given these two provisions above, we see very few people having an opportunity to choose from the various options available.

RECIPIENTS IMPACT STATEMENT

The program will force AFDC recipients into the punitive job-search/workfare components of the program.

C.C.W.R.O. POSITION

Oppose.

RECOMMENDATION

The program should mandate that the recipient has the right to choose the program he/she wants to participate in. We believe that in keeping with American values, basic choices are best left to the individual and not turned over to "big government".

11320.4. (a) Each county welfare department shall, in providing services to participants under this article, provide services to each participant which will best meet his or her needs. Services to be provided to each participant shall be specified in the contract entered into between the county welfare department and the participant pursuant to Section 11320.5. In developing each contract, the county shall take into consideration the specific target groups in the county, the availability of resources identified pursuant to Section 11320.6, and the choices which shall be made available to each group as required by this article.

(b) Priority in providing expensive services and services which must be provided for a lengthy period of time shall be given to persons who have been recipients of aid under this chapter for at least two years. These individuals shall be given priority in receiving services such as supported work, as provided for in paragraph (8) of subdivision (d) of Section 11320.3, and lengthy classroom training.

(c) Program participants who have been recipients of aid under this chapter for less than two years shall be provided with less costly services and short-term services, unless a determination is made that these types of services would not be effective in assisting a program participant to achieve the ultimate goal of obtaining unsubsidized employment.

SUMMARY OF SECTION 11320.5 (a)

This section requires all persons who are required to register for work under federal law to register for work with the county welfare department. They then have to enter into a contract with the county which shall explain what services are available and spells out the responsibilities of the recipient.

Signing of the contract is a condition of eligibility.

The statute allows persons to appeal this requirement, but it is not clear whether or not the family's application will be processed pending this appeal.

The statute also outlines the various available exemptions from the program which are consistent with existing state regulations.

ANALYSIS OF THE SECTION

This section requires grandparents, and other relatives who are not the custodial parent of the child and are not legally obligated to support such child to not only register for work, but also to participate in the workfare program. In effect, a grandparent or another relative is to be punished for taking responsibility for providing a home for a child who otherwise would wind up in a foster care home with a stranger.

The alleged contract is really a document similar to the one that most AFDC recipients are required to sign today when they apply for AFDC, which outlines the recipients's rights and responsibilities. **There is no bargaining or contract negotiations.** There is no provision which allows the recipient to take the contract home, contact their local legal aid or welfare rights organization, offer a contract of their own. Moreover, if the clients do not sign the contract, they receive no aid.

Given the fact that the available services are predetermined by the counties and all decisions as to what the client needs is determined by the county, all the recipient has to do is sign the contract or face total destitution.

The various exemptions in the statute are also determined by the county and not the recipients. Thus, the availability of any of the exemptions is based on the county and not the condition of the participant. Counties never believe that any person has a problem. Some people have become totally disabled because the county forced them to participate in a workfare program when they were not medically able to do so.

RECIPIENT IMPACT STATEMENT

This section would force noncustodial parents who are not legally obligated to support the AFDC child to participate in this job-search/workfare program, which probably in some cases, will lead that person to send the child to a foster care home, rather than face the demeaning workfare program.

The alleged contract is a document which clients will have to sign under the threat of losing their AFDC benefits. They really have no options and nothing to bargain for.

The various exemptions provided for in the law are dependent upon the good graces of the county. We doubt very much that many people will be able to qualify for these exemption.

C.C.W.R.O. POSITION

Oppose.

RECOMMENDATIONS

The bill should be amended to limit participation to only those custodial parents who are legally required to support the children on whose behalf they are receiving AFDC benefits.

The contract shall have the maximum number of options available and the program shall have the maximum amount of options available thus allowing the client the power to negotiate with the assistance a friend, legal aid or welfare rights organization..

They shall never be forced to sign the contract on the same day. They should be allowed to take the proposed contract home, study it, think about it, contact legal aid, welfare rights and other community advocates to make sure that they completely agree with what they are getting into. Aid shall never be delayed pending the signing of the contract.

All recipients shall be deemed to be right when they say that they want to do something or claim an exemption. It should be up to the county to prove that the recipient is not being truthful with the county.

11320.5. (a) At the time an individual applies for aid under this chapter, or at the time a recipient's eligibility for aid is redetermined, the county shall determine whether the individual is required to register for the program provided under this article. At the time this determination is made, any individual who is deemed to be required to register under this article shall immediately register with the county welfare department. With respect to any person required to register under this article, registration and the signing of an initial contract, pursuant to subdivision (b), shall be a condition of eligibility for aid under this chapter, except that any delay in registration due to circumstances beyond the control of the individual shall not adversely affect his or her eligibility for aid under this chapter. The recipient may, however, appeal a determination that he or she is required to register under this article or sign a basic contract pursuant to subdivision (b), through the procedures set forth in Chapter 7 (commencing with Section 10950) of Part 2. Persons not required to register may volunteer to participate.

Unless otherwise exempt, all of the following persons shall not be required to participate in program components, beyond registration, until the county welfare department determines that the situation not requiring participation no longer exists:

- (1) A caretaker relative who is enrolled in school for at least 12 units of credit and has a child under age six.
- (2) A person who is so seriously dependent upon alcohol or drugs that work or training is precluded.
- (3) A person who is having an emotional or mental problem that precludes participation.
- (4) A person who is involved in legal difficulties, such as court-maintained appearances, which preclude participation.
- (5) A person who does not have the legal right to work in the United States.
- (6) A person who has a severe family crisis.
- (7) A person who is in good standing in a union which controls referrals and hiring in the occupation.
- (8) A person who is temporarily laid off from a job with a definite call-back date.
- (9) A person who is employed for 15 to 30 hours per week.

(10) A person, or a family member, has a medically-verified illness.

(b) At the time an individual registers pursuant to this article, including persons who volunteer to participate, or with respect to any individual described in paragraphs (1) to (10) of subdivision (a) at the time the situation

which permits nonparticipation no longer exists, every individual shall enter into a written basic contract with the county welfare department which shall contain all of the following:

(1) The contract shall contain at least all of the following general information:

(A) A general description of the program provided for in this article.

(B) A description of the services available to program participants.

(C) A description of the duties and responsibilities of program participants, including a list of the exemptions from required participation under this article and the consequences of a refusal to participate in program components.

(2) In the case of any participant who has not been employed within two years from the date of registration, except for a participant described in paragraph (4), the contract shall provide that the participant shall participate in job club for a period of three weeks, as defined in paragraph (1) of subdivision (c) of Section 11320.3. Participation pursuant to this paragraph may be delayed in accordance with paragraph (5) or (6).

(3) In the case of any participant who has been employed within two years of the date of registration, except for a participant described in paragraph (4), the participant shall have the option to participate in a three-week period of job club, as defined in paragraph (1) of subdivision (c) of Section 11320.3, or in a three-week period of supervised job search, as defined in subparagraph (B) of paragraph (1) of subdivision (c) of Section 11320.3. At the discretion of the employment and training counselor and with the approval of the first or second line supervisor, the job search period may be shortened when it is determined that all reasonable job search efforts have been exhausted. The participant shall choose one of the options upon signing the contract. Participation pursuant to this paragraph may be delayed in accordance with paragraphs (5) or (6).

(4) Notwithstanding paragraphs (2) and (3), in the case of any participant who has been a recipient of aid under this chapter more than twice within three years from the date of registration, the contract shall provide for immediate referral to assessment pursuant to subdivision (c). Participation pursuant to this paragraph may be delayed in accordance with paragraph (5) or (6).

(5) An individual who is enrolled in a self-initiated vocational or educational training program of limited duration which leads to unsubsidized employment may continue to participate in that program. Participation in

the vocational or educational training program shall be reflected in the basic contract. The basic contract shall provide that whenever an individual to which this paragraph applies ceases to participate in the educational or vocational training program, the individual shall participate in this program in accordance with paragraphs (2), (3), or (4), whichever is applicable.

(6) If appropriate, the basic contract may provide for either remedial education, instruction in order to obtain a general educational development certificate, or instruction in English as a second language. The basic contract shall provide that when an individual, to which this paragraph applies, ceases to participate in the instruction provided for in this paragraph, the individual shall participate in this program in accordance with paragraphs (2), (3), or (4), whichever is applicable.

(c) A participant described in paragraph (4) of subdivision (b), and any participant described in paragraphs (2) or (3) of subdivision (b) who has not obtained employment after his or her three weeks of participation in job club or unsupervised job search, shall work with the county welfare department to initiate the development of an employment plan. In developing the employment plan pursuant to this subdivision, the county and the participant shall utilize both of the following procedures:

(1) The county and the participant shall develop an assessment of the skills and needs of the participant, which shall include at least all of the following:

(A) The participant's work history.

(B) The participant's educational history.

(C) The participant's need for supportive services in order to obtain the greatest benefit from the employment and training services offered under this article.

This assessment shall be done by a qualified party with career planning experience.

(2) The county and the participant shall develop an employment plan for the participant, which shall include at least all of the following:

(A) The employment goals of the participant, and an evaluation of the chances for the achievement of these goals given the current skills of the participant and the local labor market conditions.

(B) A goal to be attained upon completion of the program, including the period of time it will take to achieve this goal, and the resources available under this program for the attainment of that goal.

SUMMARY OF SECTION 11320.5(d)

Once the participant signs the amended contract agreeing to participate in the program for which he or she was targeted for, he or she will start the second phase of the program. The statute provides that the participant may change his or her mind within 30 days following the date they sign the contract insofar as to which program he or she wants to participate in.

This section provides that once the participant agrees to the amended contract and completes the component to which they agreed to, they will then have to go through another 90 day job search period. If after that 90 day job-search period they fail to find a job, then they will be assigned to a one (1) year workfare program.

ANALYSIS OF THE SECTION

There are no **choices** in this section. It is all mandatory. There is no requirement that a determination be made that there are available jobs in the community.

The one year workfare assignment is clearly an attempt to develop a cheap workforce for local and state governments, and nonprofit organizations, such as hospitals, nursing homes, etc.

Although the participant is allowed to switch programs within 30 days following the date they sign the amended contract, it is also clear that such change can only be done if the county determines that they are a member of another target group, or if the other service is available to his or her target group, then the other service has to have available vacancies so the participant can participate therein.

RECIPIENT IMPACT STATEMENT

We have already addressed the problems with job-search/workfare. What AFDC recipients want are jobs jobs jobs. We want to go to work, get a paycheck and be able to say that we are not on welfare. This bill forces us to work and still be on welfare.

C.C.W.R.O. POSITION

Oppose.

RECOMMENDATIONS

The same recommendation made for Section 11320.3(d).

(d) When the county and the participant have completed the assessment process required pursuant to subdivision (c), and they have agreed upon a goal to be attained under this program and the resources to be utilized in attaining that goal, the county and the participant shall amend the basic contract entered into pursuant to subdivision (b). The contract amendment shall specify the goal to be attained, the training or education services to be provided to the participant in order to attain the goal, which may consist of either one or more of the program components provided for in subdivision (c) and (d) of Section 11320.3, and the criteria for successful completion of these services and attainment of the goal. The contract amendment shall provide for supportive services as necessary for participation in this program. Once the participant has begun his or her training or education, he or she shall have 30 days in which to request a change or reassignment to another component. This grace period shall be spelled out in the contract amendment and shall be available only once to each participant.

Any individual who meets the established criteria for

successful completion of the training or education services to which he or she is assigned, but who remains unemployed, shall be referred to job search services for a period of 90 days. These job search services may, depending upon the needs of the participant, include any of the services provided for in subdivision (c) of Section 11320.3. If the participant remains unemployed at the end of this 90-day job search period, he or she shall be evaluated and reassigned to an advanced long-term pre-employment preparation assignment, as defined in paragraph (2) of subdivision (d) of Section 11320.3. If a participant does not meet the established criteria for successful completion of the training or education services to which he or she is assigned, the participant shall be reassigned to a basic long-term preemployment preparation assignment, as defined in paragraph (2) of subdivision (d) of Section 11320.3. A participant's assignment shall be reviewed no less frequently than every six months.

Whenever a participant is assigned to a program component, the contract shall be amended to reflect the assignment. The county and the recipient shall be bound by the terms of any amendments made to the contract. The participant shall maintain responsible and adequate progress toward the goal of employment through the methods set forth in the plan, and the county shall provide the services specified in the plan.

SUMMARY OF SECTION 11320.5(e)

This section provides that when there is a disagreement between the participant and the county, then the disagreement shall be resolved by a final decision of a career specialist paid by the workfare program.

ANALYSIS OF THE SECTION

This section provides that when the recipient and the county disagree on the content of the employability plan, then the recipient may take the issue to a person who is a career specialist paid by the county to make a decision as to who is right and who is wrong. Generally this person will rule in favor of the party that pays his or her salary or else he or she won't have a job very long.

RECIPIENT IMPACT STATEMENT

Under this section the career specialist paid by the county will generally rule against the participant and in favor of the county given the fact that he or she is paid by the county.

C.C.W.R.O. POSITION

Oppose.

RECOMMENDATIONS

In lieu of hiring a county paid career specialist, we would suggest the following: When the county disagrees with the participants proposed contract or amendments to the contract, the county shall outline their position in a notice of action and the participant shall have a right to file for a state fair hearing.

(e) If the participant and the worker are unable to reach agreement on amending a contract, pursuant to subdivision (d), the matter shall be referred by the county for an independent assessment by an impartial third party with career planning experience. The results of this assessment, which shall be binding upon the county and the participant, shall be used to develop the appropriate employment plan for the participant.

(f) Any participant who fails to participate in the program developed by the assessment pursuant to subdivision (e) shall receive sanctions in accordance with Section 11320.6.

(g) Any participant who has entered into an amended contract plan pursuant to subdivision (d) and who, at any time, refuses to participate in a component to which he or she has agreed to participate without good cause, shall be subject to sanctions in accordance with Section 11320.6.

SUMMARY OF SECTION 11320.6

This section outlines the penalty provisions for persons who refuse to cooperate or participate in the program.

The process is that a person who is determined to have failed to cooperate or participate will go through the following process:

1. An informal conciliation process pursuant to regulations promulgated by the department;
2. A conciliation process as specified in Unemployment Insurance Code Section 5302;
3. If the conciliation efforts are not successful, the family will be placed on money management for a 3 month period. If prior to the end of the three months the participant and the county agree that the participant will participate, then money management will stop, whenever administratively possible;
4. If there is subsequent refusal to cooperate or participate, then the family will be sanctioned for a full-six (6) period, even if they decide during those six months that they wish to participate.

ANALYSIS OF THE SECTION

Although these sanctions are less inhumane than those proposed by the Administration, they will still impose durational ineligibility periods of 6 months against the children because their parents failed to cooperate.

RECIPIENT IMPACT STATEMENT

Most participants being sanctioned cannot receive assistance to contest many sanctions which are wrongfully imposed upon them. Legal aid offices have lost a lot of funding. There is no entity funded by this bill to provide assistance to participants who want to contest these sanctions.

Many sanctions are a result of misunderstanding between the participant and the workfare operators. In addition, **many of the sanctions are a result of the workfare operators trying to sanction as many recipients as they can to show that the program is cost effective.**

Thus, if this program is implemented, we see many persons being sanctioned after the first sanction, given the fact that the county has several years to impose these sanctions upon the family.

How will these sanctions work?

1. For two-parent families the entire family will be taken off of aid for a period up to six (6) months for each offense;
2. For single parent families, the parent who allegedly failed to cooperate will be deleted from the grant. Given the fact that majority of the families on AFDC are two (2) persons, this sanction will reduce their income from \$474 to \$288.

C.C.W.R.O. POSITION

Oppose.

RECOMMENDATION

We believe it is immoral to punish the children for what their parents do. There is no justification for such barbaric actions by government.

The bill should be amended to abolish durational sanctions and to allow the participant to start receiving his or her benefits as soon as he or she agree to participate.

11320.6. (a) Whenever an individual has refused to participate without good cause in a program component to which he or she is assigned pursuant to subdivision (b), (d), or (e) of Section 11320.5, and the participant continues to refuse to participate after a period of informal conciliation between the county and the participant, sanctions shall be imposed in accordance with subdivision (b) or (c), whichever is applicable. The department shall develop regulations specifying the maximum length of time which may be utilized in informal conciliation efforts. These efforts may utilize discussions with the supervisors of employees who make the decisions as to whether a participant has refused to participate in a program component to which he or she is assigned without good cause.

(b) Except for persons voluntarily participating in this program, whenever the participant engages in an initial refusal to participate without good cause, in a program component to which he or she has been assigned pursuant to subdivision (b), (d), or (e) of Section 11320.5, and conciliation efforts pursuant to Section 5302 of the Unemployment Insurance Code have failed, the family shall be placed on money management services for three months, except that if the participant and the county welfare department reach an agreement on program participation during this sanction period, money management services shall be terminated as soon as possible. If the participant continues to refuse to participate after the three month money management services sanction period, the participant engages in a second instance of nonparticipation without good cause, or the participant refuses to participate in violation of an agreement made during the imposition of money management services, financial sanctions shall be imposed made in accordance with Section 11308. To the extent permitted by federal law sanctions imposed upon a participant pursuant to this subdivision may be withdrawn prior to the end of the sanction period.

(c) The sanctions provided for in subdivision (b) shall not apply to an individual voluntarily participating in the program. If such an individual engages in conduct which would bring about the imposition of sanctions provided for in subdivision (b), except for his or her status as a voluntary program participant, the individual shall be precluded from participating in the program for a period of six months.

SUMMARY OF SECTION 11320.65

This section provides that whenever the county violates the provisions of the alleged contract, the participant can file a formal grievance. If he or she is not satisfied with the results of the grievance, then he or she may file for a fair hearing. **However the recipient cannot stop participating in the program pending the outcome of the grievance or the fair hearing.**

ANALYSIS OF THE SECTION

It seems like there is no real incentive for the county to do what they agreed to do, because the participant is required to continue to participate no matter what.

This section also clearly shows the inequity of this program. If the recipient refuses to do what they agreed to do, they are sanctioned for a six (6) month period. If the county refuses to do what they agreed to do, there are no sanctions, rather the burden is on the participant to file for a grievance and a fair hearing.

RECIPIENT IMPACT STATEMENT

Under this process, if the county agrees to provide child care assistance, but fails to do so, the recipient will be required to continue to participate without child care. This will result in more **latchkey children** in California.

If the county agrees to pay transportation, but fails to do so, the recipient will be forced to use their AFDC funds or face a six month sanction.

C.C.W.R.O. POSITION

Oppose.

RECOMMENDATION

This section must be amended to provide for sanctions against the county which are equitably equal to the sanctions imposed against women with children.

The section must also be amended to allow the participant to cease participation in the program until the hearing decision has been issued by the department.

11320.65. Except as specified in this section, whenever a participant believes that any program requirement or assignment in this program is in violation of his or her contract or is inconsistent with this article, the participant may utilize a formal grievance procedure to be established by the county board of supervisors, and to be specified in the plan developed by each county pursuant to Section 11320.2. If the participant is not satisfied with the outcome of the grievance procedure, he or she may appeal the decision in accordance with the procedures set forth in Chapter 7 (commencing with Section 10950) of Part 2. Participants shall be subject to sanctions pending the outcome of the formal grievance procedure or any subsequent appeal, only if they fail to participate during the period the grievance procedure is being processed. A participant shall not, however, utilize the grievance procedure to appeal the results of an assessment made pursuant to subdivisions (c) or (e) of Section 11320.5.

SUMMARY OF SECTION 11320.7

This section outlines the various good cause provisions mostly consistent with federal law. Some of the good causes that should be highlighted are:

--Sanctions will not be applied to any person who is absent or tardy up to 10% of the weekly hours required for any component.

--Child care is not available during the hours of required participation, including commuting time.

--The job pays less than 185% of the AFDC grant, less allowable deductions.

ANALYSIS OF THE SECTION

Most of the provisions of this section are already in the regulations governing the WIN program. These are some features:

1. The provision which allows the recipient to be absent for 10% of the time of a given week sounds nice, but it really does not cover a day. Thus, very few people will benefit from this provision;

2. The fact that lack of child care as good cause is limited to the time period covering the required participation in the program clarifies that the program has no intentions of providing child care for participants to work. Rather child care **may** be provided during the hours of working in the workfare program.

The provision of 185% of the AFDC grant level is about the best thing in this bill, but there are not that many jobs paying that amount.

RECIPIENT IMPACT STATEMENT

Most of these provisions are helpful, but recipients will rarely be aware of them. They will not be able to invoke these good cause provisions, unless they are represented by an advocate.

C.C.W.R.O. POSITION

Support in part and oppose in part.

RECOMMENDATION

The child care provision for good cause should be amended to provide that the recipient may refuse to participate if the county fails to provide or assure child care in the event the participant finds employment.

The bill should include S.B. 914 to ensure that participants are able to obtain advocacy services.

11320.7. Good cause for failure or refusal to participate in a program component to which a participant is assigned pursuant to subdivisions (b), (d), or (e) of Section 11320.5 shall include all of the following:

(a) An assignment, job referral, or job does not meet appropriate work and training criteria due to any of the following:

(1) The employment, offer of employment, activity or other training for employment discriminates in terms of age, sex, race, religion, ethnic origin, or physical or

mental handicap.

(2) The employment or offer of employment, exceeds the daily or weekly hours of work customary to the occupation.

(3) The employment, offer of employment, activity, or other training for employment requires travel to and from the place of employment, activity, or other training and one's home that exceeds a total of two hours in round trip time, exclusive of the time necessary to transport family members to a school or place providing care, or

when walking is the only available means of transportation, the round trip is more than two miles, exclusive of the mileage necessary to accompany family members to a school or a place providing care.

(4) The employment, offer of employment, activity, or other training for employment involves conditions and specific responsibilities that impair the individual's physical or mental health or are not related to the individual's capability to perform the task on a regular basis.

(5) The employment, offer of employment, activity, or other training for employment involves conditions that are in violation of applicable health and safety standards.

(6) The employment, offer of employment or work activity, does not provide for worker's compensation insurance.

(7) An employment or training program position utilized pursuant to this article may not be created in violation of Section 11320.35.

(8) The employment, offer of employment, activity, or other training is not within the scope of the employment plan as contained in the contract provided for under Section 11320.5.

(9) Accepting the employment, offer of employment, or work activity would cause the individual to violate the terms of his or her union membership.

(10) Accepting the employment, offer of employment, or work activity would cause an interruption in an education or job training program in progress, excluding community work experience

assignments as defined in paragraph (2) of subdivision (d) of Section 11320.3, or would prevent the individual from returning to his or her regular job within a reasonable time, unless the job offer provides either of the following:

(A) Employment and sufficient income to lead to self-support and the job offer is within the scope of the employment plan.

(B) Temporary employment while the individual is waiting for reemployment in his or her regular job.

(11) The participant is not receiving the supportive services agreed to under the contract entered into pursuant to Section 11320.5.

(12) In addition to good cause as specified in this section, no sanction shall be applied to any participant who is absent or tardy for periods up to 10 percent of the weekly hours required for any component.

(13) The employment or offer of employment is at a wage level that results in a net loss of income, in accordance with subdivision (l).

(b) The individual is temporarily physically incapacitated or suffers temporary physical illness.

(c) The individual is required to appear in a court proceeding or is incarcerated.

(d) The individual is suffering a family crisis or changed individual family circumstance as evidenced, for example, by the death of a spouse, parent, or child or an illness of a spouse, parent, or child which requires the individual's immediate attention.

(e) Inclement weather or other act of nature precludes individual and other persons similarly situated from traveling to an activity.

(f) There is a breakdown in transportation arrangements with no ready access to alternate transportation.

(g) The individual needs any other necessary social service not specifically mentioned in his or her contract.

(h) An individual refuses to accept major medical services even if the refusal precludes participation in the program.

(i) Legally permissible child care is totally unavailable, or unavailable during the individual's hours of training or employment including commuting time, or arrangements for child care have broken down or have been interrupted. This exemption shall include the unavailability of suitable special needs child care for identified special needs children, such as handicapped or retarded children or the unavailability of suitable child care for children with other specific needs.

(j) An individual is engaged in employment or training that is consistent with the employability objectives of the program, and prior notification and approval from the worker has been received.

(k) At the discretion of the county, any other substantial and compelling reason other than those specified in this section.

(l) Net loss of income would occur pursuant to the conditions provided for in this subdivision, if an offer of employment is accepted. Net loss of income shall be deemed to occur whenever the gross monthly earnings from a job, less any income disregards applicable to persons eligible for aid under this chapter, equal an amount less than 185 percent of the appropriate minimum basic standard of adequate care, as specified in Section 11452, adjusted for cost-of-living adjustments pursuant to Section 11453.

For purposes of computing the income disregards, the regional market rate for child care, transportation, and other mandatory work-related expenses shall be used. Regional market rates for child care shall be determined in accordance with the Alternative Payment Program as provided for under Article 3 (commencing with Section 8220) of Chapter 2 of Part 6 of the Education Code.

SUMMARY OF SECTIONS 11320.8; 11320.9; SECTION 2.

These sections authorize the department to obtain federal funds to operate this program and apply for whatever federal waivers necessary to implement this bill.

It also allows the department to implement this program through regulations promulgated on emergency basis.

ANALYSIS OF THE SECTIONS

We find it ironic that the regulations governing the program will need to be promulgated on an emergency basis, when the bill provides that implementation of this program shall be done in phases and it shall be completely operational within three (3) years.

We cannot understand why the proponents of this bill wish to obrogate the regular regulation process set forth in the law.

RECIPIENT IMPACT STATEMENT

It appears that the proponents are trying to implement this program with the least amount of public participation.

Such lack of public participation has always affected recipients adversely.

C.C.W.R.O. POSITION

Oppose the emergency regulation provisions.

RECOMMENDATIONS

Repeal Section 2 of the bill.

SEC. 2. Notwithstanding Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, emergency regulations adopted within 120 days of the enactment of this act in order to implement this act shall not be subject to the review and approval of the Office of Administrative Law. The regulations shall not remain in effect more than 120 days unless the adopting agency complies with all the provisions of Chapter 3.5 as required by subdivision (e) of Section 11346.1 of the Government Code.

Revised Workfare Plan Is His Own, Governor Claims

By RICHARD C. PADDOCK, *Times Staff Writer*

SACRAMENTO—Gov. George Deukmejian took credit Wednesday for a bipartisan workfare proposal, contending that it is his own plan with a few extras added by Democratic legislators.

"I think the only difference is that there is perhaps a greater array of services that will be provided with more options," Deukmejian told reporters after addressing a meeting of the California Welfare Fraud Investigators Assn. in West Sacramento.

Assemblyman Art Agnos (D-San Francisco), a leader in forging the compromise, promptly responded that the new plan is far broader than the one originally proposed by Deukmejian. Agnos suggested the governor's "political pronouncements" could jeopardize chances for legislative approval of the compromise.

Upcoming Campaign Noted

"I think the governor is probably reflecting the upcoming campaign season," Agnos said. "Until the fish is hooked and put into the basket, we shouldn't exaggerate its size or the role we played in landing it."

Agnos, Health and Welfare Secretary David Swoap and legislators from both parties announced agreement last week on a plan called GAIN that would require able-bodied welfare recipients to work, receive vocational training or go to school in exchange for their grants.

The delicately crafted compromise provides elements sought by both conservatives and liberals. Welfare recipients, primarily women with children over the age of 6, would be required to participate in the program but would be able to choose from a variety of work and training options.

Completing College

Some would be allowed to complete their college education while on welfare. As many as one third of the eligible recipients could be required to work for their checks in an element of the program commonly known as workfare.

Advocates of the program say it would be the biggest overhaul of the welfare system in 15 years.

Deukmejian, who has been pushing legislation to enact his own workfare proposal called STEP-UP, a simpler program that would include job search, vocational training and workfare. Legislators, anticipating a bipartisan com-

promise plan, have delayed action on the Deukmejian proposal.

In his address to welfare fraud investigators, the Republican governor briefly discussed his STEP-UP plan.

"I'm encouraged that we have a bipartisan support for this program," Deukmejian said.

Afterwards, he told reporters in a hotel parking lot that he was referring to the GAIN program unveiled last week.

"Fundamentally, it's the STEP-UP plan," he said. "They (legislators) have suggested some changes, which we have accepted, but essentially it is the STEP-UP program which we had proposed."

The governor's description surprised Agnos who said, "The fact of the matter is that the bipartisan welfare reform proposal is a brand new product."

The compromise agreed to by legislators and Swoap—who repre-

'The fact of the matter is that the bipartisan welfare reform proposal is a brand new product.'

—Assemblyman Art Agnos

sented Deukmejian in the negotiations—drew on a variety of earlier proposals including STEP-UP, Agnos said. But, he said, it also contains a number of new features such as:

- Giving welfare recipients some choice in selecting work and training programs through a contract system.

- Providing outside binding arbitration to settle disputes between recipients and county welfare departments.

- Tailoring job search requirements to recipients' job histories.

- Allowing recipients to complete college if they have finished the first half of their education.

- Reducing punishment for violators of program rules.

The measure is expected to easily win approval in the Assembly, but its fate in the Senate is less clear.

Agnos said the governor's statements could make it tougher to win support among Democrats, especially those reluctant to give Deukmejian an issue to boost his bid for reelection in 1986.

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Workfare Runs Into Strong Opposition

Sacramento

Two key legislators said yesterday that they oppose the work-for-welfare proposal worked out by a bipartisan coalition of legislators and Deukmejian administration officials.

The proposed program, known as workfare, would place nearly 200,000 able-bodied welfare recipients who do not have children under 6 years old in jobs or training programs. Legislation authorizing the program could be introduced in the Legislature by tomorrow, backers said at a news conference yesterday outlining their plan.

Assemblyman Tom Bates, D-Oakland, chairman of the Assembly Human Services Committee, said the proposal would create an administrative nightmare and end up being repealed in a few years.

Senator Diane Watson, chairwoman of the Senate Health and Human Services Committee, said she wants a plan that provides "real work at real wages."

Instead of workfare, the government should "create more jobs," Kevin Aslanian of the Coalition of California Welfare Rights Organizations said yesterday.

"Workfare does not give a person a paycheck. It gives them a welfare check," he said. "What a person wants is a paycheck and not a welfare check."

The workfare proposal, disputed for several years, was negotiated principally by Assemblyman Art Agnos, D-San Francisco, and Health and Welfare Secretary David Swoap. It is known as "the Agnos Compromise."

The backers include Assembly Speaker Willie Brown, D-San Francisco, and Senate minority leader Jim Nielsen, R-Woodland.

The proposal would affect up to 200,000 welfare recipients, mostly mothers who are the recipients of the Aid to Families with Dependent Children program and whose children are older than six.

Under workfare, if the recipients fail to get work after training, they would have to work on public service jobs to pay for their grants. They would receive \$5.07 an hour, the average starting salary in California.

Associated Press

By Thorne Gray
Bee Capitol Bureau

In a page-by-page analysis called a "recipient impact statement," the Coalition of California Welfare Rights Organizations condemns a bipartisan workfare plan introduced Thursday in the Assembly.

"It is clear that workfare does not benefit recipients," the coalition said. "It creates a free work force for state and local government and non-profit organizations, such as hospitals, nursing homes, community action agencies and other organizations who will use women with children as a cheap labor force without any benefits to the women."

The organization, which calls itself an independent, statewide, grass-roots organization, has fought workfare for years, counting Assemblyman Art Agnos, D-San Francisco, among its more powerful allies.

Now, the coalition said, Agnos has been recruited by Secretary of Health and Welfare David Swoap to help draft a workfare program that mistakenly "assumes that our country has unlimited jobs." Agnos, a liberal, and conservative Swoap drafted the proposal together.

Workfare proponents say many of the coalition's points may be inaccurate and have expressed willingness to fine tune the legislation, although there may be

enough votes in both the Assembly and the Senate to approve the plan's major features.

The points the coalition wants considered include:

- Required public hearings on the individual county workfare plans to be drawn up over the next three years.
- Performance standards for the program, and a way to end workfare if those standards are not met.
- More protection for refugees, who need education rather than an endless search for work they cannot get.
- Assurance that all the counties will offer a true range of options for welfare recipients, not just "job search-workfare."
- Actual expenses for child care, transportation, books and other necessities, not just inadequate allowances.
- A way to be sure that child-care services for welfare families are safe.

The workfare program assumes that welfare recipients have never worked a day in their lives, the coalition said.

"It appears that the proponents of this legislation do not consider raising children a 'job'; rather it is something that 'women do naturally,'" the coalition said. "What AFDC (Aid to Families with Dependent Children) recipients want are jobs, jobs, jobs."

"We want to go to work, get a paycheck and be able to say that we are not on welfare."

"This bill forces us to work and still be on welfare."