



IN BRIEF

✓ **IHSS Plus Waiver:** Part of the 2004-2005 budget bill provides for a federal waiver being developed by CDSS, known as IHSS Plus. This waiver will save the state money and will bring in more federal dollars.

There will be many issues to resolve regarding the IHSS Plus Waiver, for example; IHSS providers must enroll as Medi-Cal providers and Medi-Cal eligibility worker's must make an eligibility determination of all IHSS recipients within 12 months of the effective date of IHSS Plus Waiver. There are other issues that we will address in future publications.

✓ **Welfare fraud allegations result in loss of employment:** During July of 2004, county eligibility workers in California referred 30,666 cases to welfare fraud units for investigation. This resulted in welfare fraud investigators going to work places, talking to supervisors and exposing employees as current or former welfare recipients. During that time period only 443 people were actually convicted of welfare fraud. More than 99% of the people referred to welfare fraud were not convicted. The waste of taxpayer money and the loss of former recipient's jobs due to investigators who cross the line, are ways in which the welfare system keeps recipients in a never ending cycle of dependency.

✓ **CWDA on CPR:** California Performance Review has made recommendations to streamline the eligibility process, which has the California Welfare Director's Association (CWDA) up in arms. The proposals are trying to make it easier for applicants to get on aid by simplifying the application pro-

cess. In October of 2004, CWDA briefed the Legislative Analyst's office on how CWDA sees the CPR recommendations.

✓ **Child care fraud:** Last year in the budget process, county welfare fraud bureaucrats made allegations of alleged child care fraud by working moms. Currently, the State Department of Education is conducting an error rate study which is due by 4/1/05; a best practices study is due by 3/1/05.

✓ **Child care for "inherited" child for a former welfare recipient:** Tulare County asked CDSS about a former welfare recipient who, in her own words, "...inherited" her grandchild and is requesting child care for the child. As a former recipient and working, and responsible for the child would she not be eligible for the childcare for the grandchild?" DSS responded that the grandmother would be eligible for childcare for the child.

CCWRO COMMENT: This is correct, however, we were amused by the word "inherited" as used by grandma.

✓ **Self-Employment for ABAWDS -** ACIN I-76-00 question #3 provides that hours worked in a self-employment activity count for ABAWDS, even if the work failed to yield income.

✓ **ABAWDS working for court-ordered projects count as ABAWDS hours:** Los Angeles County asked DPSS whether a ABAWDS assigned to court-ordered work release program, which consists of com-

In This Issue

- In Brief
- Statistic of the Month-WtW Sanctions
- WtW Sanction Legality Check Sheet

munity services satisfy the ABAWDS work requirements. CDSS responded that pursuant to MPP § 63-410.212 ABAWDS work requirements can be met through participation in a comparable workfare program. "The work release program is comparable to the food stamp workfare requirements in that both programs require participation in community service."

✓ **Sacramento gets partial ABAWDS waiver:** Effective June 1, 2004, Sacramento County received an ABAWDS waiver for zip codes 95639, 95655, 95690 95742, 95814, 95824 and 95832. Because of the efforts of Sacramento County Welfare Director **Jane Rasmussen** and **Juan Valdez**, who prepared and submitted the waiver request which was approved, many single persons and childless couples will have something to be thankful for this holiday season.

Statistic of the MONTH September WtW Sanctions

Last year DSS issued ACL 03-59 which was designed to bring down sanction rates. The ACL requires counties to issue a revised Notice of Action and a Good Cause Determination Notice. Many counties have refused to implement the provisions of this ACL, which were effective November, 2003 based on our review of notices from several counties throughout California.

In September of 2004, there were only 111,008 unduplicated participants participating in the Welfare to Work program and the counties were able to sanction 51,177 of them. That is a monstrous 46% sanction rate in the State of California.

As we have done before, we will list the top ten sanction-imposing counties. These sanctions have been generally unlawful.

Amador County	97%
Fresno County	92%
Colusa County	84%
Los Angeles County	80%
San Luis Obispo County	80%
Sonoma County	79%
Plumas County	69%
Stanislaus County	64%
Napa County	61%
Shasta County	59%

Sanctions seem to be the norm for counties that allege compassion for families and children. Sanctions take 30% of parents fixed incomes which are still only at 1990 levels.

When a person fails to participate, the county must issue a Notice of Action known as the NA 840. ACL 03-53 provides that a WtW 27, Requests for Good Cause Determination, "...must be mailed to the recipient along with the NA 840."

The WtW 27 asks whether any of the good cause provisions have been applied to the recipients case. If good cause, such as being ill applies, then the recipient can complete the WtW 27, mark the box "ill" and mail it to the worker. Most counties do not include the WtW 27 with the NA 840. In such cases, the sanction cannot stand because the county has failed to follow the conciliation process correctly. It should also be noted that while counties sanctioned 51,177 persons, they refused to issue transportation to 61,070 persons. Most of the persons who were sanctioned were very likely sanctioned because they were not paid transportation in advance as required by State law and regulations.

TABLE 1

		Sanctions	Participants	Percentage of Participants Sanctioned			Sanctions	Participants	Percentage of Participants Sanctioned
	Statewide	51,177	111,008	46.10%					
1	Amador	29	30	96.67%	28	Nevada	67	202	33.17%
2	Fresno	5,059	5,495	92.07%	29	San Bern.	3,998	12,719	31.43%
3	Colusa	38	45	84.44%	30	San Joaquin	1,022	3,301	30.96%
4	Los Angeles	23,226	28,932	80.28%	31	Trinity	16	52	30.77%
5	San Luis Ob.	230	288	79.86%	32	Santa Cruz	187	613	30.51%
6	Sonoma	507	644	78.73%	33	Lake	137	455	30.11%
7	Plumas	27	39	69.23%	34	Calaveras	38	129	29.46%
8	Stanislaus	785	1,234	63.61%	35	Inyo	12	41	29.27%
9	Napa	66	108	61.11%	36	Madera	251	946	26.53%
10	Shasta	539	911	59.17%	37	Sutter	128	491	26.07%
11	Mendocino	281	480	58.54%	38	Mariposa	22	85	25.88%
12	San Diego	1,915	3,350	57.16%	39	Lassen	42	167	25.15%
13	Monterey	504	916	55.02%	40	Santa Barbara	202	804	25.12%
14	Yolo c/	265	497	53.32%	41	Santa Clara	1,054	4,405	23.93%
15	Marin	141	292	48.29%	42	Solano	181	791	22.88%
16	Humboldt	319	670	47.61%	43	Orange	1,134	5,092	22.27%
17	Tehama	179	378	47.35%	44	Ventura	408	1,964	20.77%
18	Merced	742	1,645	45.11%	45	El Dorado	58	305	19.02%
19	Siskiyou	70	159	44.03%	46	Butte	193	1,093	17.66%
20	Tulare	786	1,885	41.70%	47	San Francisco	521	3,044	17.12%
21	Contra Costa	899	2,400	37.46%	48	San Benito	33	194	17.01%
22	Glenn	50	135	37.04%	49	Sierra	1	8	12.50%
23	Kings	366	994	36.82%	51	Yuba	64	558	11.47%
24	Kern	1,829	5,007	36.53%	52	Del Norte	30	271	11.07%
25	San Mateo	161	446	36.10%	53	Tuolumne	23	245	9.39%
26	Alameda	1,861	5,188	35.87%	54	Mono	2	28	7.14%
27	Placer	134	374	35.83%	55	Modoc	2	44	4.55%
					56	Sacramento	305	9,027	3.38%
					57	Imperial	38	1,389	2.74%
					58	Alpine	0	3	0.00%

The N840, the notice that starts the sanction process, must be issued 30 days prior to the effective date of the action. See MPP 42-721.23 which states:

"Upon determination that an individual has failed or refused to comply with program requirements, the CWD shall send the individual a notice of action effective no ear-

lier than 30 calendar days from the date of issuance."

It is not unusual to have a sanction process that is inconsistent with the regulations."

On the next page there is a check sheet to analyze whether or not a county proposed sanction is legal.

A WtW Sanction Legality Check Sheet

1. Is the N840, the notice imposing the sanction, effective after 30 days from the date on the N840? Yes___ No___

If the answer is “no”, then the N840 violates the regulations and the county has to issue another N840.

2. Did the participant receive a WtW 27, the Good Cause form? Yes___ No___

If the answer is “no”, then the N840 violates the regulations and the county has to issue another N840 with a WtW 27.

3. Does the N840 state exactly what the participant failed to do that caused the issuance of the N840? Yes___ No___

If the answer is “no”, then the N840 violates the regulations in that the notice is inadequate and the county will have to issue another notice that specifically states the reason for the sanction. A statement such as, “you failed to participate” is not adequate. The question is; failed to participate in what part of the WtW program; job club, orientation or workfare?

4. Was the participant provided with advance money for transportation? Yes___ No___

If the answer is “no”, call the worker and/or leave a message stating that the participant did not have transportation and make a note of the call.

5. Did the participant have child care? Yes___ No___

If the answer is “no”, lack of child care is good cause.

6. Was the participant sick that day? Yes___ No___

If the answer is “yes”, then the has a good cause.

PRACTICE NOTE: At a hearing the burden of proof is on the county to prove that the participant had child care, advance transportation or was not sick. **AS ALWAYS, REQUEST A FAIR HEARING.**

If you have a sanctioned individual seeking assistance, call us for immediate assistance. **You can reach Kevin Aslanian @ 916-736-0616 or 916-387-8341 or 716-712-0071**