



New Welfare NEWS Bulletin

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CCWRO In Brief Reports

✓ **County IHSS Cutbacks – Tyrone Freeman** of the California Homecare Workers made an inquiry about the Imperial County IHSS program to DSS. In his letter Tyrone asserts that Imperial County is conducting an orchestrated and systematic effort to reduce IHSS hours of IHSS customers. Imperial County Deputy Director Gary Andrews wrote a four (4) page letter denying these assertions. Andrews stated that his dedicated staff is not conducting a systematic and orchestrated hour reduction of hours on IHSS recipients. Sure.

✓ **The Bush New Budget wants to Change the Child Welfare Program –** The Bush budget proposes to allow states to design their own “alternative system for foster care.” Just in California to date over \$9.5 billion of the TANF dollars have been used to “contribute to the General Fund.” CCWRO is concerned that the same thing could happen in Foster Care.

✓ **Bush proposes \$150 million for “marriage & fatherhood program” –** The 2008 Bush budget proposes to give \$150 million for “marriage and fatherhood programs.” This money is used solely to fund the building of the marriage and fatherhood bureaucracy. There is no money for poor people to get a headstart upon getting married, like money to start a family.

✓ **Los Angeles County extends their Refugee Contract again and again –** Los Angeles County in 2001 conducted a competitive procurement of contracts to provide employment services to refugees for three years. The contracts expired 2004. Since then Los Angeles County has been extending the contracts without competitive bidding by getting DSS to issue waivers. The latest waiver expired October 5, 2006.

✓ **Statewide Fingerprint Imaging System (SFIS) Problems –** At a December 20, 2006 conference call of SFIS

county operators and DSS it was revealed that SFIS confidential information is being sent in unencrypted e-mails and routed via unsecured interoffice envelope. In addition, over \$26,000, a low estimate, worth of equipment (laptop computers) has disappeared. Counties did not report the missing laptops to the State. Less than 28% of the 3,500 SFIS imaging machine operators have attended state-led training. Many are ordered to the SFIS location without reasonable training.

✓ **IRS & FTB matches to start again**

– According to Jeanette Rodoni of CDSS for several years CDSS has not been able to run IRS and FTB marches because CDSS did not meet the IRS security standards. This issue has been resolved and CDSS is now getting information from IRS and TFB.

✓ **Placer County out of compliance with IEVS processing standards–**

The CDSS IEVS Review found that Placer County has 4,500 cases with potential overpayments that have not been processed. The report states that Placer County is violating MPP 20-006.424 that provides that reviews cannot be delayed beyond 45 days. It may take Placer County centuries to catch up with their backlog. During July, August and September of 2006 they only processed one IEVS hit. One wonders how many IEVS workers does Placer County employ and what are they doing?

✓ **Lawful Permanent Resident (LPR) with expired card is eligible for CalWORKs as long as they provide verification that they have applied for a green OR tried to apply for a green card.** – A county, whose name with unlawfully withheld from CCWRO, but we

have believe it is Riverside based on CWDA meeting minutes, asked DSS on 9/14/05, if a person with an expired green card is eligible for CalWORKs. The answer, by some employee of DSS, whose name was also unlawfully withheld by CDSS on 1/19/07, 15 months later, but we believe it was Ms. Beverly Thomas based on CWDA meeting minutes, said: “ LPRs do not lose their permanent resident status because their I-551 card has expired. Even if the I-551 card is expired, it is an acceptable form of documentation, as long as it is accompanied by an application for an I-551 card as evidence of alien registration, per (63 FR 41668.) The county must ask the recipient to present proof of his/her application for renewal and the receipt for the application at the time of initial determination or renewal of eligibility. As long as the recipient is attempting to renew his or her I-551 he or she shall remain eligible for CalWORKs.”

CCWRO COMMENT: This is a typical underground regulation. Which is it? Does the applicant or recipient have to provide verification that he or she has actually applied for a green card or “attempting to apply.” These are very different acts. Applying means completing the immigration form for renewal, paying the filing fee of \$260 for each assistance unit member too file an I-90 form. Soon this fee will be 350. What if the recipient's fixed income, which is the same amount that similarly situated CalWORKs recipients received in 1990, cannot cover that amount? Moreover, one cannot just walk in to an immigration office and file an I-90 and get a receipt. One must com-

plete the forms and mail them U.S. Citizenship and Immigration Services P.O. Box 54870 Los Angeles, CA 90054-0870. It takes weeks and months too get an answer back. The policy interpretation also fails to mention that the county has to pay the fee for applicants. See MPP 40-126.332 that states:

“40-126.332 Third Party Fees

If necessary, the county shall pay a third party fee to obtain existing evidence of eligibility on behalf of the applicant.”

Under this interpretation one worker can grant the case if the applicant states that he or she has mailed an application to Los Angeles, while the other worker will deny the application for the same family for failure to provide proof that he or she has file an I-90.

✓ **DSS fails to tell counties to establish county standards to implement a provision of Speaker Nunez’s Homeless Assistance Bill.** – Some mystery county on 10/3/06 submitted a policy interpretation to CDSS asking what the definition of “extraordinary circumstances” as provided in ACL 06-25, which states:

“Eligibility for payment of arrearages – *In order for an AU to be entitled to receive Permanent Homeless Arrearage payments, payment of the arrearages must be a reasonable condition of preventing eviction. In addition, a family who applies for arrearage payments due to receipt of a notice to pay rent or quit, must demonstrate that the eviction is the result of a verified finan-*

cial hardship that resulted from extraordinary circumstances beyond their control, and not due to other lease or rental violations. The family must be experiencing a financial crisis that could result in homelessness if preventative assistance is not provided.”

The CDSS response was that this county standard that the county must decide. The county was not informed that they must follow the provisions of MPP 11-501.3 and ACL 00-08 and 98-58.

✓ **CDSS provides wrong information to a mystery county** – On 10/6/06 a mystery county asked CDSS “Some of our longer term employees remember a regulation that states we pay the difference in MAP amounts from one state to another. Upon looking through the state letters and regulations I am not able to locate such a regulation. Client and one child move from Oregon where they received a maximum aid of \$400. In California, their maximum aid would be \$584. Would we supplement the \$184 difference? CDSS Response No, we do not pay a MAP differential to the client. The beginning date of aid requirements as described in MPP Section 44-317.11 and the MPP Section 40-181.1(a) Quarterly Reporting requirements would apply.”

CCWRO COMMENT: The old employees are right and the new CDSS employees are wrong. If a family of 2 moves from Oregon on March 2, 2007 and applies for CalWORKs in Santa Clara County on March 4, 2007, they are eligible for CalWORKs in California effective 3/4/07. The CalWORKs benefits will be based upon the \$400 income from Oregon that would be prorated and


the AU is eligible for \$184 divided by 31 and multiplied by 27 that equal

\$160. Another wrong underground regulation.

RECIPIENT VIEW OF THE LEGISLATIVE ANALYSTS SUGGESTIONS

When the state budget is released by the Governor, the California legislative analyst office (LAO) publishes analysis of the budget that are considered during budget hearings. This report can be downloaded at: www.lao.ca.gov

Below are analyses of the LAO recommendation for the 2007-2008 state budget.

 **Targeting Anti-Poverty Funds.** In order to more efficiently utilize General Fund resources for cash assistance program COLAs, we recommend redirecting \$124.4 million of the funds proposed for the Supplemental Security Income/State Supplementary Program COLA to provide the California Work Opportunity and Responsibility to Kids COLA.

The report reveals the SSI grant for one is 104% of the poverty level, and for 2 persons it is 137% of the poverty level, while for CalWORKs it is 73-74% of the poverty level.


Thus, the LAO proposes providing a 1.9% COLA for the 2-person SSI cases and using the savings to pay for the CalWORKs COLA.

RECIPIENT IMPACT STATEMENT: This proposal will hurt some and help some. It would logically

help many more in greater need than those who will be denied a COLA. This is a much better option that the option of not getting a COLA for another year and years too come.

However, when looking at how to appropriate the TANF dollars meant for needy families, one must look at what is are the priorities of the family, or any family for that matter.

The first priority is to house and feed the family. Meeting the basic survival needs of the family should be the first priority of the CalWORKs program. Living on a fixed income of 1990 does not meet the basic survival needs of impoverished families with needy children. TANF has contributed


 **Alternative Approach to Strengthening the CalWORKs Sanction.** Recommend enactment of legislation (1) requiring a home visit or other in-person contact with each family who is out of compliance for three months or more, and (2) increasing the sanction to 50 percent of a family's grant if the adult refuses to comply with participation requirements.

RECIPIENT IMPACT STATEMENT: There is no evidence that punitive sanctions engage CalWORKs participants in welfare to work activi-


ties.

The legislature should consider the best business practices of obtaining desired outcomes from participants – positive reinforcements. The legislature has enacted statutes providing counties “positive reinforcements” to attain desired outcome, such a performance pay and other programs. The same business practice should be embraced for CalWORKs recipients.

The positive reinforcement would be to encourage CalWORKs clients to cure the sanction and to provide them with a \$100 a month incentive for curing the sanction for every month they participate until they draw down the amount of money that the state/county has taken away from them due to the sanction.

 **Governor’s Time-Limit Proposals.** In order to increase work participation, the Governor’s budget proposes new time limits on children whose parents cannot or will not comply with CalWORKs participation requirements. We review the impact of these time limits on work participation, families, and the state budget. We recommend rejecting the proposed time limits because they are not needed to meet federal work participation requirements.

RECIPIENT IMPACT STATEMENT: These are punitive proposals that do not work as evidenced by available research and they are not needed too achieve the federal participation rates.

 **Spending \$200 million for Los Angeles County to come up with a new computer system when there are two (2) existing available systems is wrong.** The budget proposes to give Los Angeles County \$200 million so they can develop their own computer system. Los Angeles County can join one of the existing welfare computer systems- C-4 or CalWIN. But Los Angeles County says that neither of these systems is compatible to “Los Angeles County Business Practices”. The Analyst states: *“Rather than joining one of the other two recently completed automation consortia, the budget proposes \$200 million for planning activities for replacing the Los Angeles Eligibility, Automated Determination, Evaluation and Reporting (LEADER) computer system with an entirely new system. We recommend that the Department of Social Services and the Health and Human Services Agency’s Office of System Integration report at budget hearings on why joining an existing system is not feasible and the costs and benefits of an entirely new system. We further recommend that the Legislature withhold funding for planning activities until a cost-benefit analysis for a new system is provided.*

RECIPIENT IMPACT STATEMENT: Spending \$200 million for a new computer system when there are two different computer systems to choose from is wasteful and an abuse of taxpayer dollars by the Governor. That money can be used for the CalWORKs COLA. Los Angeles County would simply have to modify their precious “business practices” to be compatible to one of the existing computer systems that has cost taxpayers millions of dollars.

FOOD STAMP REAUTHORIZATION UPDATE

2007 USDA proposal for the Farm bill has some pleasant surprises

The Farm Bill has to be reauthorized in 2007. The food stamp program is a part of the Farm Bill. The Bush Administration has published their proposals for the farm bill of 2007. There are some nuggets in the proposal that can be found at:

<http://www.usda.gov/wps/portal/!ut/p/s.7 0 A/7 0 1UH/.cmd/ad/.ar/sa.retrievecontent/.c/6 2 1FB/.ce/7 2 5V2/.p/5 2 4VC/.d/0/ th/J 2 FB/s.7 0 A/7 0 1UH?PC 7 2 5V2 contentid=2007 Farm Bill Title4.xml - 7 2 5V2>

The two major highlights are:

1. *"Eliminating the cap on the dependent care deduction* – Current policy supports work or participation in work services by providing for limited deductions from the family's gross income associated with the cost of dependent care when determining food stamp eligibility and benefit amount: a cap of \$200 per month for children under 2 and \$175 for other dependent children is the current policy. These current caps have not been changed or adjusted for inflation since the provision was implemented in 1993. This proposal would simplify State administration and help working families with children."

The proposal is to eliminate the cap on childcare and allow food stamp

recipients to claim actual childcare expenses incurred as a deduction.

2. *"Excluding combat-related military pay* – Enhanced pay from military deployment can sometimes cause families receiving food stamps to no longer be eligible for this assistance. Military personnel receive supplements to their basic pay when they serve in combat. Such special pay includes combat or hazardous duty pay, which could reduce a family's benefits or make them ineligible. This policy change recognizes this problem and would ensure that military families are not penalized for doing their civic duty. It supports the families of servicemen and service-women fighting overseas by ensuring that their families do not lose food stamps as a result of the additional deployment income. This proposal has been a part of the President's budget for several years and was first enacted in the 2005 Appropriations Act; this farm bill proposal would make this annual policy fix permanent."

3. *"Prohibiting States from establishing and collecting claims from recipients for State agency caused overissuances resulting from widespread systemic errors. Require states to repay the Federal government for overissued benefits.* As States have moved to replace outdated computer systems, there have been situations where time and budget have driven

implementation of systems before they have been thoroughly tested. As a result, computer systems have generated overissuances because of design flaws; in some cases, the courts have become involved (e.g. Colorado) and judges have ordered States not to collect overissuances from recipients when the overissuance was an agency error (computer generated) and not a client error. However, current Federal law requires States to establish and collect claims from recipients. This proposal would recognize the unique situation of systemic errors caused by State agencies in the establishment and collection of over-issuances while still

holding States responsible for the error."

SUGGESTIONS FOR STATE LEGIISLATION OR BUDGET CHANGES

The California State legislature should enact legislation that would (1) eliminate overpayments caused the local welfare office and its ill-conceived computer systems and (2) disregard of combat pay for the military pay. These changes can be done for the CalWORKs program without waiting for federal legislation.

CWD Client Abuse Report

WtW Participant Sanctioned with bad NOA in Contra Costa County.

On June 17, 2005, Contra Costa County CalWORKs mom received a letter that effective July 1, 2005 she will be sanctioned for failure to participate in the WtW program. She has been a victim of domestic abuse and suffered from severe skin problems and gynecological problems. She filed for a state hearing during August of 2006.

Her claim was denied and the unlawful sanction was sustained. The notice of action dated 6/17/05 was a bad Notice of Action because it was not a 30-day

notice as required by state law and regulations. Judge Alison Mackenzie should have found the NOA to be inadequate and granted this victim a fair hearing.

It also appears that in Contra Costa County it is common for sanctioning WtW participants without a 30-day notice as evidenced by the fact that the county took this bad notice to a state.

WtW Participant Sanction reversed and ordered third-party assessment by San Diego County. San Diego County CalWORKs mom met with her worker and did not agree with the

county WtW plan. She wanted to work and go to school. The San Diego welfare workers said that she could either go to school for 32 hours a week or work 32 hours a week. Because she did not comply with the county WtW

plan she was sanctioned. At the hearing she explained that she did not agree the county WtW plan and county just ignored her disagreement and provided no remedy to address her concerns. ALJ Allan Lenefsky ruled that the county sanction cannot be sustained because the county had failed to refer her to a third party assessment as required by MPP §42-711.522(c) (5) .

San Bernardino Imposing sanctions without a 30-day notice of action .

A San Bernardino CalWORKs mom was mailed a notice of action on September 7, 2006 imposing a WtW sanction effective October 1, 2006. The sanction was imposed for allegedly failing to participate in the WtW program. The CalWORKs mom filed for a state hearing. At the hearing the CalWORKs mom stated that she did not have transportation and the county admitted that they know she lived in a remote area. The county agreed to rescind the sanction due to lack of transportation, but there was nothing in the hearing decision about the bad notice in that it was not a 30 day notice. There are no sanctions against San Bernardino for imposing sanctions against impoverished families with needy children in violation of state laws and regulations.

Judge Gregory Martin December 1, 2004 with a April 11, 2006 NOA upholds Fresno County's imposition of a WtW sanction effective. A Fresno CalWORKs mom received a notice of action dated April 11, 2006 stating that Fresno County would be sanc-

tioning her effective December 1, 2004. The victim states that she never got the noncompliance notice and that she had medical problems that prevented her from participating in the WtW program. There was no evidence that Fresno County had given her advance transportation to participate in the WtW program. The county action to impose the sanction effective December 1, 2004 with a notice of action dated April 11, 2006 was upheld by Judge Martin.

Merced County Imposes Sanction for Failure to submit a CA61.

A Merced CalWORKs mom has been sanctioned since March of 2001. The poorly written decision does not reveal when the sanction NOA was mailed to the victim. It appears that the sanction was imposed because the victim failed to provide the county with a CW 61, which is a state form to verify that she has a medical problem. In fact the decision states that during July and August of 2005 she tried to cure her sanction, but the county refuse to cure the sanction until she gave the county a CW 61. Judge Jose Banuelos ruled that "It is concluded that the claimant has failed to provide verification of her medical exemption status to the county on the required CW 61 form and that she did not have a "good cause" excuse for her failure to provide such verification until March 7, 2006..." First of all the CW 61 is not a required form. There is nothing in the laws and regulations governing the WtW program that states the WtW participant has to provide a CW 61 or be sanctioned. The decision cited MPP §42-713.1 and denied an exemption.

"42-713.1 A recipient shall be excused from participation in welfare-to-work activities for good cause in accordance with Section 42-713.2, when the CWD determines there is a condition or other

circumstance that temporarily prevents, or significantly impairs, the individual's ability to be regularly employed or to participate in welfare-to-work activities."

If a participant cannot verify his or her disability, then they shall be scheduled for participation. If the participant does not participate in the assigned activity, then he or she can be sanctioned. Providing a CW 61 is not an WtW activity and by itself should not be grounds for imposing a sanction.

Kings County imposes sanction without a 30-day notice of action. A Kings County CalWORKs mom was mailed a notice of action dated May 2, 2006 imposing a second instance sanction effective June 1, 2006. Judge Gregory Martin reviewed the notice and sustained Kings County's unlawful action.

Sacramento County Sanctions Exempt AU when single mom with a child under 1 is working 25 hours a week. This person was sanctioned in July of 2006 because she was working for COSTCO only 25 hours a day. At the time she had two kids. Shamar was born on 4/3/2000 and Daniel was born 3/1/06. She was not on welfare when

Shamar was born.

Three months after Daniel was born she was told by her welfare worker that she needs to work 32 hours a week. She got a job at COSTCO working 25 hours a week, but the CWD refused to give her childcare and transportation because she was working less than 32 hours. Although she was meeting the federal participation rates, she was sanctioned. She had to stop working at COSTCO because the county refused to pay for her childcare and transportation.

On 12-4-06 she signed another WtW agreement saying that she is working. Her worker Carmen Frey - S177, has failed to stop the sanction. The sanction was in place January 1, 2007, February 1, 2007 and March 1, 2007. When Ms. Frey was asked why did not sanction has not been stopped she said it was a CalWIN problem. She was asked when will it be fixed? She responded "How many more months needed to get it back on CalWIN." We asked her if she had done a "trouble ticket" and she said "no".