

# CCWRO New Welfare NEWS Bulletin

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### **CalWORKs Moms And Kids Living On A Fixed Income Of 1989 Contribute \$1.9 Billion To The State General Fund**

The 2007-2008 Democratic state budget signed by the Governor resulted in welfare moms and kids, who currently live on 1989 benefit levels, "donating" \$1,926,237,000 to the General Fund according to the Schwarzenegger Administration. This is a 29% increase over last year's donation of \$1,381,107,000.

The Democrats and the Governor were so appreciative of this contribution that they callously suspended the 3.9% cost-of-living adjustment (COLA) increase for the needy children of California that would have only cost \$124 million for Fiscal Year 2007-2008. This is the third year in the row that impoverished families are being slammed by this Governor and the Democratic Legislators. **The COLA would have only been .0006% of the amount poor CalWORKs families donated to the General Fund during 2007-2008.**

### **The Senate Food Stamp Bill Does Not Support The Bush Administration Proposal To Prohibit The Collection Of Claims Due To Computer Errors**

The Bush Administration's Food Stamp Bill proposal and the House Farm Bill HR 2419 contain a provision that would prohibit the collection of claims from households as a result of a systematic computer error. There have been many overissuances due to the ineffective state and county computer systems coupled with poorly trained food stamp workers. Yet, the Democratic Senate Bill S 1529 by Harkin and Senate Bill S 591 by Chambliss (Republican) do not authorize a waiver of a food stamp overissuance if it is caused by computer error.

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On August 17, 2007, the American Public Human Services Association, a national organization composed of county welfare directors who are responsible for securing computer systems in their states, wrote a letter to Senator Harkin. In that letter, the welfare directors argue that states should not be held liable for widespread systematic food stamp errors. They further assert that implementation of a new computer system "is never completely fool-proof.

If a bank CEO argued that they are losing millions of dollars because a computer system "is not foolproof" and the customers have to reimburse the bank that CEO would be out of the door in a minute. But what do our welfare bureaucrats want? "Technical support from USDA, positive financial incentives and more money. Yes, life is beautiful for the bureaucrats. They screw up and poor people pay. There is no suggestion of personal responsibility, just give us more money without responsible accountability.

### **Telephone Chaos In Santa Clara County and People Cannot Use An Address Of Their Choice**

Mr. R.M. a homeless GA recipient of Santa Clara County reports that he needed to contact his worker. A welfare department worker verbally told him that his Food Stamp and General Assistance benefits will be stopped, but he has not received a notice of action. He left message after message on the worker's voice mail. Alas, the worker refused to return his call. An advocate called his worker, but, once again, the worker did not answer the phone. The message said that if you need to talk to someone now, push "zero". The advocate pushed "zero" and got a busy signal. The advocate then contacted the Director of Department of the Employment & Benefits Service. Sara answered and advised the advocate to call the main number. When the advocate called that number, it was the number for some supervisor, who did not answer her phone. Once again, the advocate pushed zero and, once again, got a busy signal.

The advocate redialed the Director of the Department of Employment & Benefits Service but there was no answer. Pushing zero resulted in a busy signal. Finally, Sara from the Director of the Department of Employment & Benefits Service answered the telephone. Sara said that Santa Clara County was holding an all staff meeting and was too busy to answer recipient calls. Obviously, the welfare office shuts down when during an all office meeting to avoid being "distracted" by recipients and applicants who desperately need to contact a worker.

Finally, at 3:00 P.M., a worker answered the main line. However, the recipient's worker was not available and worker refused to page the worker even though Sara from the Director of the Department of Employment & Benefits Service had assured the advocate that the recipient's worker would be paged for the telephone call.

R.M. is homeless and had received his mail at Catholic Charities until Santa Clara County told him that he could only get his mail at the county. Only the Santa Clara County GODS can direct where the homeless receive their mail.

Santa Clara GA Manual Section 17.1.5 provides:

"All recipients must have a specific mailing address in the county.

A General Delivery address is NOT acceptable. Mailing addresses (other than the actual residence address), are only allowable under CERTAIN circumstances. [Refer to Common-Place Handbook, "Social Services Mail Request/Agreement (SC 1483) Procedures," page 29-1, for specific procedures.] Post office boxes (P.O. Box) will ONLY be acceptable for rehabilitation houses and specific areas of Alviso and South County, which are NOT provided with home delivery by the Postal Service. This information MUST be verified PRIOR to using a P.O.Box mailing address.

General Assistance homeless applicants/recipients MUST use the GA Office address as their mailing address.”

For some, it is hard to get to the welfare office once a week without money for transportation and given the meager amount that GA pays. But Santa Clara County does not care. Poor folks are second-class human in Santa Clara County.

### **San Bernardino County Forces CalWORKs Applicants To Do Orientation and Appraisal Before Being Approved For Aid And Calls It “Voluntary”**

In 2006, the State Legislature gave counties \$230 million additional dollars to increase WtW engagement participation rates to avoid federal fiscal penalties. Counties were asked to submit a county plan showing what they would be doing with this newfound money. DSS released All County Letter 06-46 informed counties that they would get incentives for doing their job and asked counties to submit addendums to their WtW plans. The December 19, 2007 San Bernardino County Plan Addendum (page 3) provides:

“Customers will have the option to attend early orientation and appraisal meetings on a voluntary basis, which will move them more quickly into their next appropriate activity. The County anticipates an increase in customers that volunteer. Approximately 100% of CalWORKs applicant families will be affected monthly.”

However, the devil is in the details. Is this a voluntary program? We look at Interim Instruction Notice #07-045, page 5, which describes how this voluntary process works:

Step 1. The Eligibility Worker (EW) meets the applicant;

Step 2. Do the interview.

Step 3. Explain why all verification has to be returned in five (5) days.

Step 4. Give the customer Employment Services Program Brochure.

Step 5. Explain about childcare and transportation.

Step 6. Escort the customer to the Orientation Room.

Step 7. “ Explain to the customer:

- They are to wait in the Orientation Room for the next orientation session
- Each orientation session is approximately 45 minutes
- Time permitting, he/she will be asked to complete remaining items of the application process, if required, such as:

- Meet with Health Care Options (HCO)
- Issuance of an Electronic Benefit Transfer (EBT) card
- Statewide Finger Imaging System (SFIS)”

Step 8. Finally on page 10 of IIN#07-045 staff is ordered to:

“**Flag in C-IV** The ESS sets a flag (flag titled: WTW – Early Engagement Volunteer) in C-IV to identify customers who have volunteered to sign the WTW 2 and participate prior to CalWORKs approval.”

It is pretty clear that the county policy of San Bernardino County is allegedly “voluntary” insofar as attending orientation and appraisal is concerned, and they even mark it in their computer that it was voluntary. But there is no policy whereby the EW gives the customer a choice of volunteering to do this orientation/appraisal before their aid is approved as required by state law and regulations.

## **ACL 07-34 – Counties Finally Notified That July And August Of 2007 There Will Be An Increase in the MAP And Then No More COLA**

The 2007-2008 CalWORKs Maximum Aid Payment (MAP) increase for CalWORKs recipients was effective July 1, 2007. This year, like many years before, the Department of Social Services made a conscious decision to break the law and not timely implement the increase. DSS has a history of intentionally breaking the law and getting away with it. They are simply above the law. It is called "equal justice".

ACL 07-34 provides counties shall issue retroactive COLA benefits for two months. It also instructs counties to review all CalWORKs cases that were discontinued during July and August 2007 due to excess income and restore benefits, if eligible under the new MAP amount as soon as administratively possible.

CDSS did not order the counties to report the number of cases that were terminated due to excess income or how many were restored. The best DSS could do is to trust counties to do the right thing whenever they get around to it.

## **Counties Violate 30-day Notice Requirements for Imposing WtW Sanctions**

**Counties Violate the 30-day Notice Requirement for Issuance of Welfare-to-Work Sanctions- When a Welfare-to-Work (WtW) participant fails to participate in a WtW activity, the county must give the participant a 30-day notice of action. The purpose of the 30-day notice, instead of the regular 10-day notice, is to allow the participant an opportunity to cure the sanction.**

On July 12, 2006, the Governor signed AB

1808 that took effect immediately as provided in Section 46 of Chapter 75, statutes of 2006. Moreover, on July 25, 2006 DSS issued an All County Letter 06-27 stating: "AB 1808 amended Section 11327.5 of the Welf. & Inst. Code pertaining to minimum WtW sanction periods for first, second, third, and subsequent financial sanctions for CalWORKs recipients who do not comply with program requirements. These provisions have been repealed..."

On January 12, 2007 DSS issued another ACL to emphasize the changes in the sanction policy. Finally on September 14, 2006, DSS State hearings Division issued a Training Notes Item 06-09-01A that states:

" Please also note that there are changes in the welfare-to-work section (100-108) including reference to ACL 06-27 and Welfare and Institutions Code (W&IC) 11327.5 because effective July 12, 2006, a sanctioned individual may end a sanction without having a minimum sanction period imposed if the individual cooperate with welfare-to-work."

State regulation MPP §42-721.23 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 earlier than 30 calendar days from the date of issuance."

Instead of sending 30-day notices, counties continue to send WtW participants untimely notices. Many times, the ALJ upholds the illegal sanction. Some examples follow:

✓ **San Diego County** Ms. 2007121050 received a 20-day notice of action on April 10 stating that effective May 1 her benefits would be reduced for allegedly failing to comply with the Welfare-to-Work requirements. The **ALJ Vincent Misenti** upheld this unlawful sanction.

✓ **San Bernardino County** - Ms. 2007138199 received a notice of action imposing a sanction because she failed to participate in the WtW program. The decision contains uncontradicted testimony that the victim must stay with her children (ages 6, 9, and 12) until they go to school, takes them to school, works from 10:00 am to 9:pm and also take a GED program to satisfy the voracious appetites of San Bernardino WtW bureaucrats. There was no finding that safe and adequate childcare was available – just a decision upholding the county sanction.

✓ **Fresno County**- Ms. 2007151909 received a 10-day notice of action dated May 21, 2007 imposing a sanction effective June 1, 2007 for allegedly refusing to comply with the WtW program because she did not show up for a 2/12/07 appointment with her Job Specialist. At the hearing, she testified that she never received the letter regarding the 2/12/07 appointment. She also testified that she did not understand the difference between her welfare worker and job specialist. The **ALJ Elizabeth Parker** upheld the Fresno County unlawful sanction.

This victim was also mailed a letter on May 10, 2007 imposing a child support penalty for allegedly not cooperating with the child support bureaucrats. When the victim received these notices imposing these unlawful sanctions she filed for a state hearing seeking justice. At the hearing Fresno County agreed that it erroneously imposed the child support penalty and agreed to rescind the unlawfully imposed penalty.

✓ **Fresno County** - On April 20, 2007, Fresno County notified Mr. 2007163921 that he would be deleted from the CalWORKs grant for three

months effective May 1, 2007 because he failed to comply with the Welfare-to-Work requirements. The **ALJ Vincent Misenti** upheld the sanction a year after duration sanctions had been repealed by state law and two ACLs. Moreover, two days short of one-year Fresno County appears at a state hearing and insist that California still have durational WtW sanctions notwithstanding the change in law.

✓ **Los Angeles County** - Ms. 2007110034 received a 10-day notice of action dated March 21, 2007 imposing a sanction effective April 1, 2007. This notice of action was issued through a computer system called LEADER. Millions of taxpayer dollars have been spent on this computer system, yet it still issues notice of action less than 30 days in violation of state law.

✓ **Merced County** - Mr. 2007177387 received a notice of action dated June 6, 2007 imposing a sanction effective July 1, 2007. The victim filed for a state hearing. A hearing was held July 31, 2007. At the hearing Merced County defended their MPP §42-721.21 noncompliant sanction. The victim testified that he did not participate in part due to a lack of childcare. The hearing decision makes no finding that the victim had childcare but upheld the unlawful sanction.

We wonder how many other victims in the State of California are being sanctioned unlawfully. Unlike recipients, counties such as Merced received increased funding in 2006-2007 through AB 1808 to reduce sanctions. Merced received \$31 million dollars and operates a program in violation of the law. Will Merced County be asked to return the money? No way. Counties get millions, break the law and impose unlawful sanctions. When the counties against impoverished families living on a fixed income of 1898 level.