

CCWRO New Welfare News

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In Brief

CALIFORNIA COMPUTER SPENDING HALTED BY FNS - On November 10, 2009, Allen Ng, Regional Administrator for USDA, FSN informed California that FNS is suspending funding for LEADER replacement services until California makes a decision on centralized statewide eligibility and enrollment process. FNS also informed California that while California has 8% of the Food Stamp caseload, it claims 23% of the total federal money for computers. In 2009 the total amount that States claimed was \$199 million. California claimed \$43 million.

CalWORKs FAMILIES TO CONTRIBUTE \$1.3 BILLION TO GENERAL FUND IN THE 2010-2011 STATE BUDGET - DSS released the estimate of CalWORKs contribution to the General Fund in 2010-2011. The answer is \$1,276,147,000. This budget proposes to reduce CalWORKs by 15.7% to make sure that welfare families living on the 1985 fixed income level can make this \$1.3 billion contribution to the California General Fund. To date CalWORKs recipients have contributed \$14 billion.

HOW COLLEGE STUDENTS CAN COMBAT COUNTIES WELFARE DEPARTMENTS WRONGFULLY TERMINATING SIPS -

Counties are terminating Self Initiated Program (SIP) participants for not making satisfactory progress during the semester. This may be a violation of state law. Students should file for a state hearing if this happens. There are several arguments that can be made.

1. MPP §42-711.811 provides that "The CWD or the service provider shall inform the participant of the standards for meeting the regular attendance and satisfactory progress requirements for the program to which they are assigned." Generally this does not happen. It is not in the contract.

2. Satisfactory progress should not be based upon the grade point average (GPA) of just one semester or one class. It should be based on the overall GPA.

3. Finally, if the county has a policy on satisfactory progress, it must be publicly available. When state laws or CDSS regulations

authorize counties to adopt specific standards which affect an applicant's or recipient's eligibility, grant amount, or welfare-to-work (WTW) activities, including supportive services, these standards must be in writing and made available to the public on request. (§11-501.3, effective February 10, 1999; All-County Letter (ACL) No. 02-03, January 18, 2002) These county standards must be in compliance with translation requirements. (§21-115; ACL No. 00-08, January 3, 2000)

DSS AND DHCS MAY BE IN VIOLATION OF THE BAGLEY-KEENE OPEN MEETING ACT

AB19, Chapter 17 of Statutes of 2009 contains Welfare and Institutions Code Section that provides:

"The department, in consultation with county welfare directors and other stakeholders, as appropriate, shall develop uniform statewide protocols for acceptable activities to be performed and acceptable measures to be taken by the department, the State Department of Health Care Services, and the counties for purposes of fraud prevention."

In compliance with this section Department of Social Services convened its first stakeholder meeting on March 17, 2010 via telephone rather than in-person as stakeholder meetings have generally been convened.

DSS and DHCS services shared the schedule for the meeting from March 2010 through August, 2010.

There are two classes of stakeholders:

(1) the public and government stakeholders; and (2) IHSS/County stakeholders – also defined as "Government Workgroup". This Government Workgroup had their separate meeting on March 22, 2010. The nongovernment stakeholders were intentionally excluded from this in-person meeting because they may discuss confidential protocols. CCWRO contends that careful review of the above language does not authorize a separate Government Workgroup meeting as DSS and DHCS convened.

The Legislature knew that some protocols could be confidential, yet it still did not exclude the nongovernmental stakeholders from those meetings. Several more in-person "Government Stakeholders Only" secret meetings are scheduled

during the next few months. The "Public Stakeholders" meetings are teleconferenced where participation is limited. The public must rely on the AT&T operator to allow the stakeholder to talk. Many stakeholders were not able to express their views at the March 17, 2010 stakeholder meeting.

The March 17, 2010 meeting resulted in many participant complaints.

There were comments about "unannounced home visits". In Sacramento County former refugees from the former Soviet Union were alarmed by plans of being subject to unannounced home visits as they suffered during the Soviet regime.

Several IHSS providers raised the issue of being forced to sign a statement under penalty of perjury that they will only do 3 minutes of meal clean-up a day in lieu of 5 minutes when necessary. One DSS official suggested that all the provider needed to do was to call the social worker and request an additional 2 minutes. In a perfect world, the social worker answers the phone or returns the call. In the real world you leave messages, many messages and maybe some day the overworked social worker will return the call. Most social workers would be highly annoyed with a call from a provider requesting 2 more minutes of clean-up time.

The next public stakeholder teleconference meeting will be held in April of 2010. Meanwhile "Government Stakeholders" are meeting and developing protocols with the intentional exclusion of the public.

There is a simple solution to the alleged confidentially issue. If the issue for discussion is something that cannot be discussed in public given some specific statute, then those issues can be discussed in executive session. But then that would make the system transparent.

The legal affairs department of the Department of Consumer Affairs prepared the Guide to the Bagley-Keene Open Meeting Act which includes Amendments through January 1, 2010.

This guide can be found at:
http://ag.ca.gov/publications/bagley-keene2004_ada.pdf

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