

CCWRO Welfare News

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CDSS County Program Integrity Reviews

DSS has recently released several monitoring reports regarding various county operations of the so-called "program integrity" county operations. The review examines the operations of the State-wide Finger Imaging System (SFIS) and income and resource verification system.

Counties Policies Regarding Overpayments Stifle Welfare Recipient's Self-Sufficiency- Recent reviews of Colusa County, Los Angeles County, and Yuba County revealed a growing trend among CWD's to take action against welfare recipients who have some discrepancy in their actual versus reported income, leading to an overpayment notice of action. The current practice of these counties, when dealing with a failure to report income leading to an overpayment, is to mail letters directly to employers before giving an applicant a chance to clarify alleged discrepancies, in violation of MPP§20-006.543(b).

MPP §20-006.543(b) provides:

"(b) If the recipient does not respond to the notification or responds and is unable to provide sufficient information to resolve the discrepancy, the CWD shall contact the appropriate income or benefit source. Prior authorization from the recipient is not required for such contacts, except when the unearned income source is a financial institution. In those cases, prior authorization is required as outlined in Government Code Section 7460 (Financial Privacy Act). These cases may be referred to the SIU in accordance with Section 20-003.2."

In dealing with Overpayment issues, counties need to realize the prejudicial environment surrounding welfare and how direct contact with an employer, prior to attempting to resolve the issue with the recipient can lead to adverse

actions. A sure fire way to ensure that welfare recipients remain reliant on the State for benefits is to send letters directly to employers telling them that their employees are welfare recipients who have failed to report their income, without first giving recipients a chance to resolve the issue with the CWDs. Employers take a dim view of employees that they believe are "double dipping" by taking home money from their employment while also receiving welfare benefits. Similarly, other employers refuse to provide job references, even for otherwise excellent employees, when they learn that their former employees receive or received welfare. Many welfare offices also refuse to hire current or former recipients who have had an overpayment. Other counties have laid-off former welfare recipients when they discovered that they have a welfare overpayment.

The impact of these counties practices is to reduce the chance of sustained job stability or future gainful employment for welfare recipients. If the goal is to help people become self-sufficient, perhaps we should treat them like adults and give them a chance resolve these overpayment disputes before involving an employer.

Counties Violate California Welfare and Institutions Code § 11052.5 - Butte and Nevada Counties regularly schedule face-to-face interviews for CalWORKs two (2) weeks from the date of application. This is a violation of California Welfare and Institutions Code § 11052.5 mandates a face-to-face interview take place within seven (7) days.

"11052.5. No applicant shall be granted public assistance under Chapters 2 (commencing with Section 11200) and 5 (commencing with Section 13000) of this part until he or she is first personally interviewed by the office of the county department or state staff for patients in state hospitals. The personal interview shall be conducted promptly

following the application for assistance. If an applicant is incapable of acting in his or her own behalf, the county department shall verify this fact by personal contact with the applicant before aid is authorized. As used in this section, the term public assistance does not include health care as provided in Chapter 7 (commencing with Section 14000).

The interview conducted pursuant to this section shall occur within seven days after the time of application unless there are extenuating circumstances that justify further delay."

Counties Violate State Confidentiality Laws. - Los Angeles, Nevada and Sacramento Counties violate Welfare and Institutions Code Section 10830(a) by conducting fingerprinting activities of more than one person at the same time. In response DSS has simply "recommended" that counties stop this practice.

Counties Fail to Report Fraud Data

As part of receiving IHSS fraud funding, counties agreed to provide data demonstrating accountability for the money they received. This data was supposed to be on the Data Reporting Spreadsheet (Enclosure D).

Review of the data for 2004-2005 through 2009-2010 reveals that many, if not all of the counties, refused to provide all data elements. What happens when a welfare recipient does not report every data element on the reporting form? All benefits cease immediately.

What happens when county welfare fraud officials refuse to meet their reporting responsibilities. The money keeps on flowing. The "welfare fraud non-reporters" keep on being paid even when they "fail to report".