

Move to limit welfare benefits halted by judge

Injunction stops Santa Clara County from cutting off employable people

By Lorenzo P. Romero
Staff Writer

A policy intended to save financially strapped Santa Clara County \$3 million a year in welfare benefits has been blocked by a Superior Court judge.

The preliminary injunction issued Friday stops the county's Department of Social Services from withholding welfare payments to people that social workers deem employable but who haven't found a job within 30 days.

The policy was adopted in July when county supervisors were trying to balance the county's tight budget. More than 700 county employees were laid off then in the deepest budget cuts in county history.

County officials reached Saturday, however, were uncertain what the blocking of the policy would mean to county finances. Deputy County Counsel Paul Mason said the county will have to spend about \$135,000 a month more than was budgeted until the injunction is lifted. The money will come from the county's general fund.

More than 900 welfare clients whom the county considers employable would have been affected by the new policy, which limited able-to-work recipients to 30 days of aid a year, unless the person can show he has tried to find work.

The injunction was issued by Superior Court Judge Frank Cliff in a lawsuit that contends the county unlawfully presumes that recipi-

ents who have been unable to obtain employment have not in good faith attempted to do so."

The suit said the county is violating California law by limiting aid, because state law requires the county to support its indigent residents.

"What the judge did, basically, was the balancing of hardships," Mason said. "The issue the judge had to settle was whether the recipient was suffering greater hardship by being denied the payments than the county (was) in paying out the money and having to reallocate its funds."

One of those bringing the suit is James Harwood, a 48-year-old San Jose resident who has been unemployed since January, when he was laid off a part-time janitorial job.

"When my health permits, I look for work," Harwood said in the suit. "I suffer from numerous medical problems, including diabetes, edema, heel spurs and heart trouble."

Classified as "able-to-work" by the Social Services Department, Harwood was notified Wednesday that his aid would be cut because he hadn't found work last month.

Harwood's only income is \$190 a month in general assistance. His rent is \$162 a month, leaving him with \$28 for other expenses.

"If my GA (general assistance) is terminated, I will immediately lose my housing and have to live on the streets," he said.

Harwood said he has difficulty making the five job searches re-

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quired by the county because he has to travel by bus.

"I do not have a telephone, and calling five employers per day would cost me \$10 per month — which I do not have," he said.

"I think the major principal behind the county's policy was to put more pressure on these people to go out and find jobs," Mason said. If the county felt the client was not making a "good-faith effort" to get a job, then the person should not be entitled to assistance, he added.

Cliff's ruling also means that the matter should be heard in court and that there is a good possibility the suit can succeed, said Kevin Aslanian, president of the Welfare Recipients League, which filed the legal action.

"He (Judge Cliff) felt it should be litigated, but during that time, the status quo should be maintained," Mason added.

The Welfare League filed the suit in

August and had a labor-market expert testify that there are no jobs available, Aslanian said.

"The suit is attacking the whole monstrosity of this system," he said. "These folks are at the bottom of the job ladder — uneducated, untrained, down-and-out people."

Mason said the county's contention is that the labor expert was talking about career opportunities at entry-level jobs.

"I think it's obvious there is a job shortage in the county," he said. "But, what we are talking about are the real, non-skill jobs where there is a high turnover."

"Those are jobs like newspaper delivery, dishwashers, fast-food restaurant workers and the like. Maybe they're not the most desirable of jobs, but we think they should be taken before getting aid."

Aslanian disagreed. "Today," he said, "our people have to compete with college graduates for even these menial jobs."

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