

Fresno suit challenges GAIN project

Welfare clients question low-paying positions

By AMY PYLE
Bee staff writer

The first legal challenge to California's workfare program is being launched in Fresno County through a lawsuit that claims welfare clients have not been fairly advised of their rights to refuse low-paying jobs.

The case was filed in Superior Court this spring on behalf of local welfare recipients Carmen Sanchez and John Sommers, both of whom are enrolled in the Greater Avenues for Independence program.

Attorneys with the Western Center on War and Poverty in Los Angeles, who filed the suit jointly with Fresno-Merced Legal Services, said that by not spelling out the options, Fresno County is forcing people into lower-paying jobs and thus penalizing the poor.

"The purpose of GAIN is to make individuals self-sufficient," said attorney Carmen Estrada. "If a little bit more training can put them in a little better position to make more money and become self-sufficient, isn't that better?"

Ernest Velasquez, Fresno County's assistant welfare director, said GAIN counselors tell clients of their rights to refuse jobs, but try to

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balance that fact by explaining that minimum wage jobs can be the first step toward better jobs.

"We'd like to try to find a middle ground that allows us to explain what's in it for them in the long run," he said.

Specifically, the Fresno case criticizes contracts signed by all workfare participants, which attorneys say contain two major flaws.

First, the contract says that a client doesn't have to take a job "if I would end up with less income than if I stayed on cash aid."

But it fails to explain that under welfare and workfare laws, any comparison between their salary and their welfare grant should include what it will cost to buy food without food stamps and health care without MediCal. It should also include expenditures for things such as union dues, taxes, child care, transportation and uniforms.

Also, once a client has participated in a training or education phase of GAIN, they are asked to sign a second contract. Even that brief statement concerning the right to turn down a job does not appear in this second contract.

Several similar lawsuits against GAIN are being prepared around the state, according to Kevin Aslanian, advocate for the Coalition of California Welfare Rights Organizations.

"That's just one of many lawsuits that should be filed," Aslanian said, "but we haven't been able to flush out the victims yet."

GAIN is a statewide program to put welfare recipients to work by offering them a boost through subsidized training, education or counseling. A year ago, Fresno County

was the first of 13 counties to begin the program.

Through the end of May, 492 people have been sent to work here in jobs ranging from bartender to data processor, from tax examiner to roofer. Their average monthly salary is \$686.

Original projections were for 817 placements by the end of June, a goal that county administrators now acknowledge as unrealistic.

However, numbers may improve under a pilot program, scheduled to begin later this summer, that will allow the county to subsidize all welfare clients who take jobs that pay less than their grants, Velasquez said.

That program was made possible by a federal decision to waive the 100-hour rule, which automatically cut off welfare when a client worked more than 100 hours in a month.

But because welfare grants only keep people at or below the poverty level, attorney Estrada speculated that many GAIN participants may become disillusioned and return to the welfare system within a year or two.

The major hitch to GAIN in Fresno and elsewhere has been the unexpected number of people requiring remedial education. Instead of the state estimate of 20-30 percent, more than half of the GAIN applicants have failed tests of basic skills such as reading and mathematics.

While GAIN is expected to save money in the long run, Fresno's wish list for this year's program was nearly twice as expensive as last year's — \$18.6 million. However, it's not certain the county will receive that amount because Gov. Deukmejian's proposal for a \$250 million statewide GAIN budget recently was cut by \$40 million.