



Madera County
Department of Social Services

Welfare to Work
Welfare to Work (WTW) 04
Non-Compliance Process

- Date: September 18, 2017
- References: ALL COUNTY LETTERS (ACLs): [15-80](#); [0359](#)
Manual of Policies and Procedures (MPP): [§42-721](#)
Welfare and Institutions Code (WIC): [§11327](#)
Desk guide: (DSSshared drive>WTW files>WTW Desk Guides)
- Forms: [NA 840](#) Notice of Action – WTW Plan
[NA 841](#) Notice of Action – WTW plan for exempt volunteers
[NA 845](#) Notice of Action - WTW Plan - Sanction and Removal of the Other Parent's Needs
[WTW 27](#) Request for Good Cause Determination
[WTW 31](#) Request to meet WTW Rules to Get My Cash Aid Back
[WTW 4](#) Notice to Other Parent
[NA 840A](#) Determination of Good Cause/No Good Cause
[WTW 32](#) Welfare-To-Work Compliance Plan
[WTW 26](#) Good Cause Determination Guidelines
[WTW 29](#) Plan to Meet Welfare to Work Rules and Get My Cash Aid Back

Background Adult CalWORKs recipients, unless otherwise exempt or allowed good cause, must participate in Welfare-to-Work (WTW) activities and meet program requirements as a condition of receiving aid. If a mandatory participant fails or refuses to comply with WTW participation requirements, without good cause, a financial sanction must be imposed and the individual removed from the assistance unit (AU).

Policy Employment and Training Workers (ETW) shall assist participants in accessing and utilizing all supportive services available and work with participants to develop achievable WTW plans and goals.

I. Removal From Aid A. WTW participants shall be removed from aid for failing or refusing to comply with these minimum program requirements during the WTW 24-Month Time Clock (24 MTC) period:

1. Sign a WTW Plan.

2. Participate in any assigned WTW program activity, including a Self-Initiated-Program (SIP).
3. Provide required proof of satisfactory progress in any assigned activity, including a SIP.
4. Accept employment.
5. Continue employment at the same level of earnings.
6. Not attending a scheduled appointment with their ETW.

II. Cause Determination

- A. When the ETW determines that a participant has failed to comply with WTW program requirements or attend a scheduled appointment, the county shall begin the noncompliance process to determine if the participant had good cause for not participating, (see section III for good cause reasons).
 1. The ETW shall give the individual an opportunity to demonstrate he/she had a good reason for failing or refusing to comply with the WTW program to avoid being removed from cash aid.
- B. The participant must attend the scheduled cause determination appointment or contact the county by telephone within 20-calendar days of the [NA 840](#) NOA or the [NA 845](#) NOA (for two (2) parent households.)
 1. This 20-day period is used to determine cause.
 2. The [NA 840/ NA 845](#) shall contain the following information:
 - a. The date, time, and location of the scheduled appointment.
 - 1) The appointment shall occur within the first 10 business days of the date the NA 840 is mailed and be within the 20 day period.
 - b. A description of the specific circumstances resulting in noncompliance.
 - c. A statement that the individual has the right to explain the failure or refusal to comply with program requirements, or to establish good cause for such failure or refusal.
 - d. A general definition of good cause and some examples of good cause reasons for not participating and reference to the [WTW 27](#) "Request for Good Cause Determination" form with additional good cause reasons.
 - e. The right to establish good cause over the telephone, and the telephone number to call to speak with the assigned worker.
 - f. The right of the individual to reschedule the appointment once within 20 days.
 - g. Information about transportation and childcare services available in order for the individual to attend the appointment.
 - h. A statement indicating if good cause is not found, a compliance plan will be developed and the individual will be

- expected to agree to the plan or face a sanction.
- i. The discontinuance of aid shall be imposed no earlier than 30 days from the notice date, following timely and adequate notification.
 - j. The name, telephone number, and address of state and local legal aid and welfare rights organizations that may assist the individual with the good cause and compliance plan progress.
 - k. The steps the individual must take to have aid restored.
3. In addition to the [NA 840/NA 845](#) notice, the following notices shall be sent:
 - a. A [WTW 27](#) "Request for Good Cause Determination". It is not mandatory for recipients to complete or return the WTW 27 and the recipient can request good cause without it by communicating in-person, phone or mail, prior to the appointment.
 - b. A [WTW 4](#) notifying the second parent in a two-parent household that they must begin participating in the WTW program and will also be sanctioned if he/she fails to meet participation requirements.
 4. The [NA 841](#) notice is issued at the time noncompliance is determined for an exempt volunteer.
 - a. An exempt volunteer who does not comply will be returned to exempt status and will not be sanctioned.
 5. If the participant attends the cause determination appointment as scheduled, or contacts the ETW by telephone, the ETW shall:
 - a. Review the reasons for the noncompliance.
 - b. Obtain any available documentation to substantiate the reasons for not participating.
 - c. Determine if a mental or physical condition exists that temporarily or significantly impairs the individual's ability to participate.
 - d. Review alternative activities if the required activity listed on the [NA 840/NA 845](#) is no longer available.
 6. If a finding of no good cause is made, the ETW must impose a sanction if the recipient does not:
 - a. Sign a [WTW 32](#) which informs the recipient of the steps he/she must take to comply with program requirements to avoid a sanction and must contact the CM and agree to enter into a compliance plan within the 20 day compliance period
 - b. Complete the plan.
- C. The [NA 840A](#) "Determination of Good Cause/No Good Cause" informs the participant of the outcome of the good cause determination.
 1. Must be used to inform the participants of the results of the

cause determination within the 20 day period.

2. Must be issued to every participant who was issued a [NA 840/NA 845](#) and who:
 - a. Attends the cause determination interview or,
 - b. Contacts the ETW by telephone within the 20 day period and/or,
 - c. Submits the WTW 27 "Request for Good Cause Determination" within the 20 day period.

III. Good Cause

- A. Good cause for failure or refusal to comply with program requirements includes:
 1. Lack of necessary supportive services.
 2. Individual is a victim of domestic abuse.
 3. Licensed or license-exempt childcare is not reasonably available during hours of training or employment or arrangements become unavailable.
 4. Childcare is not available for children with identified special needs.
 5. The employment, offer of employment, activity or training for employment:
 - a. Discriminates on the basis of age, sex, race, religion, national origin, or physical or mental disability.
 - b. Exceeds the daily or weekly hours of work customary to the occupation.
 - c. The round trip travel time exceeds two hours, or walking is the only available means of transportation, and the round trip exceeds two miles.
 - d. Involves conditions that are in violation of applicable health and safety standards.
 - e. Does not provide for workers' compensation insurance.
 - f. Interrupts an approved education or job training program in progress, which would otherwise lead to employment with income to be self-supporting.
 - g. Violates the terms of the individual's union membership.
 6. The WTW participant has a mental disability which caused or substantially contributed to the refusal or failure to comply with program requirements (W&IC §11327.9; §42-721.32).
- B. ETWs may use the [WTW 26](#) "Good Cause Determination Guidelines" form to assist in determining good cause, though it is not required by regulations.

IV. Sanction

Please refer to the Desk Guide: Cause Determination, Compliance & Sanction (DSSshared drive>WTW files>WTW Desk Guides) for the

sanction process.

- V. Curing a Sanction**
- A. WTW participants may cure a sanction by communicating with the ETW and complete the following:
 - 1. Signing the [WTW 29](#) “Plan to Meet Welfare to Work Rules and Get My Cash Aid Back”, also known as the Curing Plan. This informs the sanctioned individual of the activity he/she must perform to be able to receive aid again.
 - 2. Contacting the ETW verbally or submitting the [WTW 31](#), “Request to Stop a WTW Sanction”, and informing the worker of a desire to cure their sanction.
 - 3. Complete a WTW 2 plan to communicate any changes in the individual’s WTW requirements and supportive services, once the sanction is no longer in effect.
 - 4. Satisfactorily perform the activity specified in the Curing Plan until completed, or up to a maximum of 30-calendar days, whichever is shorter, from the date the Curing Plan is signed (date of signing starts the 30-day count).
 - B. Once the sanctioned individual contacts the county, the ETW must schedule an appointment to meet with the individual to discuss and sign the Curing Plan **within 10-calendar days** of:
 - 1. The date the sanctioned individual makes contact with an authorized WTW representative to notify of his/her desire to cure the sanction, or
 - 2. The receipt date of the completed WTW 31.
 - C. If the Curing Plan is developed by phone, the ETW will mail the Plan to the sanctioned individual.
 - 1. The date the ETW informs the individual of the Curing Plan by telephone, is considered the date that the individual signs the plan for purposes of beginning the 30-calendar day curing period.
 - 2. The sanctioned individual must return the WTW 29 postmarked no later than 10-calendar days from the informing date.
 - a. If the individual does not return the WTW 29 within 10-calendar days, the sanction continues until he/she re-contacts the county to start and complete the curing process (the re-contact date is the new informing date).
 - D. The Curing Plan will reflect the assigned activity the participant will need to perform to cure the sanction.
 - 1. If the original activity causing the sanction is no longer available or appropriate, the CM must specify in the Curing Plan another appropriate activity for the individual to perform.
 - 2. The CM may not assign an activity for a longer period of time

than the length of the original activity that caused the sanction.

3. If the activity lasts longer than 30-calendar days, the individual is considered to have cured the sanction and met program requirements after successfully participating for up to 30-calendar days from the date the Curing Plan was signed.
 4. If the CM determines the activity that resulted in the sanction or another appropriate activity is not available within 30-calendar days of signing the Curing Plan, the individual is considered to have cured the sanction as of the date the determination was made.
- E. The county is required to provide necessary supportive services, including advance payment of supportive services to sanctioned individuals who are participating in activities to cure the sanction.
1. If the county cannot provide these supportive services, the individual has good cause for not participating and the sanction will be considered cured.