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**AB-563 CalFresh Employment and Training program.** (2017-2018)

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**Assembly Bill No. 563**

**CHAPTER 343**

An act to amend Section 18926.5 of the Welfare and Institutions Code, relating to CalFresh.

[ Approved by Governor September 28, 2017. Filed with Secretary of State September 28, 2017. ]

**LEGISLATIVE COUNSEL'S DIGEST**

AB 563, Arambula. CalFresh Employment and Training program.

Existing law authorizes counties to participate in the CalFresh Employment and Training program (CalFresh E&T), established by federal law, and requires a participating county to demonstrate in its CalFresh E&T plan how it is effectively using CalFresh E&T funds for each of the specified components that the county offers, including work experience or training and job search. Existing law, for a county that elects to participate in the CalFresh E&T, requires an individual to be deferred from a mandatory placement in CalFresh E&T if he or she satisfies any of various criteria, including, among others, residing in a federally determined work surplus area. Existing federal law limits a participant who is an able-bodied adult without dependents (ABAWD) to 3 months of CalFresh benefits in a 3-year period unless that participant has met specified work participation requirements or is otherwise exempt. Existing law directs the State Department of Social Services to annually seek a federal waiver of this limitation, and provides that an eligible county is included in this waiver.

This bill, for a county that elects to participate in CalFresh E&T, would prohibit a person who is subject to the able-bodied adult without dependents (ABAWD) time limit described above from mandatory placement in CalFresh E&T. The bill would include job search training and job retention, among others, as CalFresh E&T components that a county may offer. The bill would require the department to adopt regulations by January 1, 2019.

This bill would incorporate additional changes to Section 18926.5 of the Welfare and Institutions Code proposed by SB 282 to be operative only if this bill and SB 282 are enacted and this bill is enacted last.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

**THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:**

**SECTION 1.** The Legislature finds and declares all of the following:

- (a) Unemployed Californians who would like to work should be supported in their employment and training goals.
- (b) Underemployed Californians who are impoverished due to lack of education or relevant skills should not be relegated to poverty if they would like to improve their skills and education.
- (c) A strong safety net is not only one that prevents the long-lasting harm of poverty, but also offers an opportunity for people to exit poverty and earn enough to not need the safety net.

(d) The federal Supplemental Nutrition Assistance Program (SNAP) Employment and Training (E&T) program makes available to states a limited amount of 100 percent funding and an uncapped amount of 50 percent reimbursement funding for states offering E&T services to SNAP recipients. The 100 percent funding is allocated to states, which, in turn, California makes available to counties based on the number of work registrants or able-bodied adults without dependents (ABAWD) in participating counties.

(e) The CalFresh E&T program helps Californians who are low income to complete training and education while also receiving the antihunger help they need to stay healthy while they build their future without poverty.

(f) Approximately 35 of California's 58 counties are participating in the CalFresh E&T program.

**SEC. 2.** Section 18926.5 of the Welfare and Institutions Code is amended to read:

**18926.5.** (a) For the purposes of this chapter, "CalFresh Employment and Training program" or "CalFresh E&T" means the program established under Section 6(d)(4)(B) of the federal Food and Nutrition Act of 2008 (7 U.S.C. Sec. 2015), Section 273.7 of Title 7 of the Code of Federal Regulations, and associated administrative notices published by the United States Department of Agriculture with the purpose of assisting members of CalFresh households in gaining skills, training, work, or experience that will increase their ability to obtain regular employment.

(b) (1) A county that elects to participate in the CalFresh Employment and Training (CalFresh E&T) program, as authorized by the federal Food and Nutrition Act of 2008 (7 U.S.C. Sec. 2015), shall screen CalFresh work registrants to determine whether they will participate in, or be deferred from, CalFresh E&T. If deferred, a CalFresh work registrant may request to enroll in CalFresh E&T as a voluntary participant. An individual shall be deferred from a mandatory placement in CalFresh E&T if he or she satisfies any of the criteria in Sections 273.7 and 273.24 of Title 7 of the Code of Federal Regulations, if he or she resides in a federally determined work surplus area, if he or she is a veteran who has been honorably discharged from the United States Armed Forces, if he or she is a victim of domestic violence, or if he or she is subject to the able-bodied adult without dependents (ABAWD) time limit pursuant to Section 18926.

(2) For purposes of this section, "deferred" has the same meaning as exempt.

(c) (1) A county participating in CalFresh E&T shall be required to demonstrate in its CalFresh E&T plan how it is effectively using CalFresh E&T funds for each of the components that the county offers, which may include, but are not limited to, any of the following:

(A) Self-initiated workfare.

(B) Work experience or training.

(C) Education.

(D) Job search.

(E) Job search training.

(F) Workforce Innovation and Opportunity Act activities.

(G) Self-employment training.

(H) Job retention.

(I) Subsidized jobs.

(J) The support services or client reimbursements needed to participate in subparagraphs (A) to (I), inclusive, as allowed by federal and state law and guidance.

(2) This section does not require a county to offer a particular component as a part of its CalFresh E&T plan.

(d) This section does not limit a county's ability to condition the receipt of nonmedical benefits under Section 17000 on an individual's participation in an employment and training or workfare program of the county's choice, even if that program is financed in whole or in part with CalFresh E&T funds or match funds.

(e) This section does not restrict the use of federal funds for the financing of CalFresh E&T programs.

(f) This section does not require a county to provide for workers' compensation coverage for a CalFresh E&T participant. Notwithstanding Division 4 (commencing with Section 3200) of the Labor Code, a CalFresh E&T participant is not an employee for the purposes of workers' compensation coverage, and a county has no duty to provide workers' compensation coverage for a CalFresh E&T participant.

(g) This section does not prevent the department from entering into an agreement with an organization, institution, or agency, and, subject to approval of the state's employment and training plan by the United States Department of Agriculture, from acting as the state entity for receipt of employment and training reimbursement from/through the federal Supplemental Nutrition Assistance Program on behalf of the organization, institution, or agency.

(h) Notwithstanding the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code), the department may implement this section by all-county letters or similar instructions. The department shall adopt regulations to implement this section by January 1, 2019.

**SEC. 2.5.** Section 18926.5 of the Welfare and Institutions Code is amended to read:

**18926.5.** (a) For the purposes of this chapter, "CalFresh Employment and Training program" or "CalFresh E&T" means the program established under Section 6(d)(4)(B) of the federal Food and Nutrition Act of 2008 (7 U.S.C. Sec. 2015), Section 273.7 of Title 7 of the Code of Federal Regulations, and associated administrative notices published by the United States Department of Agriculture with the purpose of assisting members of CalFresh households in gaining skills, training, work, or experience that will increase their ability to obtain regular employment.

(b) (1) A county that elects to participate in the CalFresh Employment and Training (CalFresh E&T) program, as authorized by the federal Food and Nutrition Act of 2008 (7 U.S.C. Sec. 2015), shall screen CalFresh work registrants to determine whether they will participate in, or be deferred from, CalFresh E&T. If deferred, a CalFresh work registrant may request to enroll in CalFresh E&T as a voluntary participant. An individual shall be deferred from a mandatory placement in CalFresh E&T if he or she satisfies any of the criteria in Sections 273.7 and 273.24 of Title 7 of the Code of Federal Regulations, if he or she resides in a federally determined work surplus area, if he or she is a veteran who has been honorably discharged from the United States Armed Forces, if he or she is a victim of domestic violence, or if he or she is subject to the able-bodied adult without dependents (ABAWD) time limit pursuant to Section 18926.

(2) For purposes of this section, "deferred" has the same meaning as exempt.

(c) (1) A county participating in CalFresh E&T shall be required to demonstrate in its CalFresh E&T plan how it is effectively using CalFresh E&T funds for each of the components that the county offers, which may include, but are not limited to, any of the following:

(A) Self-initiated workfare.

(B) Work experience or training.

(C) Education.

(D) Job search.

(E) Job search training.

(F) Workforce Innovation and Opportunity Act activities.

(G) Self-employment training.

(H) Job retention.

(I) Subsidized employment, as set forth in subdivision (d).

(J) The support services or client reimbursements needed to participate in subparagraphs (A) to (I), inclusive, as allowed by federal and state law and guidance.

(2) This section does not require a county to offer a particular component as a part of its CalFresh E&T plan.

(d) To the extent permitted by federal law, the department shall seek a federal waiver that would allow 50-percent federal reimbursement for eligible CalFresh E&T activities to be used to provide a wage subsidy for ABAWD participants in counties that do not participate in the waiver of the ABAWD time limit pursuant to Section 18926.

(e) This section does not limit a county's ability to condition the receipt of nonmedical benefits under Section 17000 on an individual's participation in an employment and training or workfare program of the county's choice, even if that program is financed in whole or in part with CalFresh E&T funds or match funds.

(f) This section does not restrict the use of federal funds for the financing of CalFresh E&T programs.

(g) This section does not require a county to provide for workers' compensation coverage for a CalFresh E&T participant. Notwithstanding Division 4 (commencing with Section 3200) of the Labor Code, a CalFresh E&T participant is not an employee for the purposes of workers' compensation coverage, and a county has no duty to provide workers' compensation coverage for a CalFresh E&T participant.

(h) This section does not prevent the department from entering into an agreement with an organization, institution, or agency, and, subject to approval of the state's employment and training plan by the United States Department of Agriculture, from acting as the state entity for receipt of employment and training reimbursement from/through the federal Supplemental Nutrition Assistance Program on behalf of the organization, institution, or agency.

(i) Notwithstanding the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code), the department may implement this section by all-county letters or similar instructions. The department shall adopt regulations to implement this section by January 1, 2019.

**SEC. 3.** Section 2.5 of this bill incorporates amendments to Section 18926.5 of the Welfare and Institutions Code proposed by both this bill and SB 282. That section shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2018, (2) each bill amends Section 18926.5 of the Welfare and Institutions Code, and (3) this bill is enacted after SB 282, in which case Section 2 of this bill shall not become operative.