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AB-1892 CalFresh. (2017-2018)

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Assembly Bill No. 1892

CHAPTER 381

An act to amend Sections 18926.5 and 18926.7 of the Welfare and Institutions Code, relating to CalFresh.

[Approved by Governor September 14, 2018. Filed with Secretary of State September 14, 2018.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1892, Jones-Sawyer. CalFresh.

Existing federal law provides for the federal Supplemental Nutrition Assistance Program (SNAP), known in California as CalFresh, under which supplemental nutrition assistance benefits allocated to the state by the federal government are distributed to eligible individuals by each county. Existing federal law authorizes states to provide transitional SNAP benefits to households that are terminating their participation in a TANF-funded or state maintenance of effort-funded cash assistance program, or a state-funded cash assistance program that provides assistance to families with children.

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 may offer, including work experience or training, job search, and support services or client reimbursements needed to participate in the other listed components.

This bill would direct the department to issue guidance to counties participating in the CalFresh E&T program with instructions for providing the support services or client reimbursements described above, including instructions for reimbursing a proportion of the cost of Internet or telephone service.

Existing law authorizes the State Department of Social Services, to the extent permitted by federal law, to contract directly with an entity that has expertise in, and secures funds for, specified CalFresh E&T program services, and authorizes the department to act as the state entity for receipt of federal reimbursement on behalf of the entity provided that the entity complies with state and federal contracting requirements and, among other things, provides services to participants who face multiple barriers to employment, as defined.

This bill would revise and recast the definition of "participant who faces multiple barriers to employment."

By increasing the duties of counties administering CalFresh, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

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

SECTION 1. 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) (i) The support services or client reimbursements needed to participate in subparagraphs (A) to (I), inclusive, as allowed by federal and state law and guidance.

(ii) The department shall issue guidance to counties participating in CalFresh E&T with instructions for providing support services or client reimbursements pursuant to this subparagraph. The guidance shall include, but not be limited to, instructions for reimbursing a proportion of the cost of Internet service or telephone service.

(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. 2. Section 18926.7 of the Welfare and Institutions Code is amended to read:

18926.7. (a) (1) To the extent permitted under federal law, the department may contract directly with an entity that provides services on a regional or statewide basis and that has expertise in, and secures funds for, CalFresh E&T program services provided to participants that are allowable for partial federal reimbursement.

(2) The department may act as the state entity for receipt of federal reimbursement on behalf of the entity, provided that the entity complies with state and federal contracting requirements and the entity serves participants who face multiple barriers to employment and offers evidence-based skills development that results in a demonstrable increase in employment rates and earnings from work. The entity may include, but is not limited to, any of the following:

(A) An employment social enterprise.

(B) A private nonprofit.

(C) A public postsecondary educational institution, or other state or local agency.

(D) An organization serving as an intermediary for an entity described in subparagraphs (A) to (C), inclusive, and the department.

(b) The department shall seek any county consultation necessary to implement subdivision (a), including, but not limited to, coordination with counties that have contracts in place pursuant to subdivision (c), or counties that are considering entering into contracts pursuant to subdivision (c).

(c) Notwithstanding subdivision (a), a county may contract with an employment social enterprise or designated intermediary to provide services to its CalFresh E&T program participants. The department shall, no later than June 1, 2018, in consultation with the County Welfare Directors Association, issue guidance instructing counties that elect to participate in CalFresh E&T program services of any special considerations for partnering with employment social enterprises in the development or implementation of their county CalFresh E&T programs.

(d) (1) For purposes of this section, "employment social enterprise" means a social purpose corporation, a benefit corporation, or a nonprofit corporation that earns 51 percent or more of its enterprise revenue from production or assembly of goods or the provision of services and that demonstrates evidence of its mission to provide employment with on-the-job and life skills training to a direct labor force, not including supervisors, administrators, and trainers, that is comprised of 80 percent or more participants who face multiple barriers to employment.

(2) For purposes of this section, "participant who faces multiple barriers to employment" means any of the following individuals:

(A) An individual with employment barriers who is a member of at least two of the groups listed under subdivision (j) of Section 14005 of the Unemployment Insurance Code.

(B) An individual who is or has been a homeless individual, as defined in Section 254b of Title 42 of the United States Code.

(C) An individual who is an out-of-school youth, as defined in Section 3164(a)(1)(B) of Title 29 of the United States Code.

SEC. 3. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.