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AB-3224 Public social services: county employees. (2017-2018)

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Assembly Bill No. 3224

CHAPTER 179

An act to add Section 10503 to the Welfare and Institutions Code, relating to public social services.

[Approved by Governor August 20, 2018. Filed with Secretary of State August 20, 2018.]

LEGISLATIVE COUNSEL'S DIGEST

AB 3224, Thurmond. Public social services: county employees.

Existing law establishes various programs that are partially federally funded and that provide cash assistance and other benefits relating to health care, food, and housing, among other benefits, to qualified low-income families and individuals, including the California Work Opportunity and Responsibility to Kids (CalWORKs) program, Medi-Cal, and CalFresh. Existing federal law requires that certain decisions and actions relating to these programs be made by government agencies that maintain personnel standards on a merit basis or that state agency personnel used in the certification process for these programs be employed in accordance with a merit system.

This bill would require that any decisions governing eligibility for Medi-Cal, CalWORKs, or CalFresh that, in California, are made by a county pursuant to provisions relating to public social services be made exclusively by a merit or civil service employee of the county. The bill would also include a statement of legislative findings and declarations.

Vote: majority Appropriation: no Fiscal Committee: no 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) Section 431.10 of Title 42 of the Code of Federal Regulations implements Section 1902 (a)(4) of the Social Security Act, and requires that decisions regarding the state Medicaid program, known in California as Medi-Cal, be made by a government agency that maintains personnel standards on a merit basis.

(b) Section 272.4 of Title 7 of the Code of Federal Regulations requires that the federal Supplemental Nutrition Assistance Program (SNAP) be administered by merit personnel. Specifically, that section provides that "[s]tate agency personnel used in the certification process shall be employed in accordance with the current standards for a merit system of personnel administration or any standards later prescribed by the U.S. Civil Service Commission under section 208 of the Intergovernmental Personnel Act of 1970." The regulation further states that "[v]olunteers and other non-State agency employees shall not conduct certification interviews or certify SNAP applicants."

(c) In December 2017, the United States Department of Agriculture, under the leadership of President Donald Trump, issued guidance relating to the federal Supplemental Nutrition Assistance Program (SNAP), known as CalFresh in California, inviting the

states to request a waiver to use nonmerit system personnel in call centers to perform duties unrelated to eligibility determinations. However, this change may lead to future changes that could eventually undermine long-standing regulations requiring eligibility decisions to be made by merit system personnel.

(d) The merit or civil service status of personnel who determine whether or not someone is eligible for benefits and how much they receive is an essential feature of America's safety net program, providing essential protections for people served by these programs and ensuring the integrity of government investments.

(e) Therefore, the Legislature further finds and declares that California should codify the provisions in state law to prevent against the erosion of these protections by federal lawmakers.

SEC. 2. Section 10503 is added to the Welfare and Institutions Code, to read:

10503. Any decisions governing eligibility for Medi-Cal, CalWORKs, or CalFresh that, in California, are made by a county pursuant to this division shall be made exclusively by a merit or civil service employee of the county.