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SB-282 CalFresh and CalWORKs. (2017-2018)

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Senate Bill No. 282

CHAPTER 355

An act to amend Sections 11322.64 and 18926.5 of, and to add Sections 11320.16 and 18919 to, the Welfare and Institutions Code, relating to public social services.

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

LEGISLATIVE COUNSEL'S DIGEST

SB 282, Wiener. CalFresh and CalWORKs.

(1) Existing federal law provides for the federal Supplemental Nutrition Assistance Program (SNAP), known in California as CalFresh, formerly the Food Stamp Program, under which supplemental nutrition assistance benefits allocated to the state by the federal government are distributed to eligible individuals by each county. Existing state law authorizes a county to deliver CalFresh benefits through the use of an electronic benefits transfer (EBT) system. Existing federal law authorizes eligible counties to participate in the Restaurant Meals Program (RMP), which allows eligible recipients to purchase meals at qualified restaurants.

This bill, the Reducing Hunger Among Vulnerable Californians Act of 2017, would require the State Department of Social Services to issue an annual all-county letter providing guidance that lists which counties or regions are eligible to participate in the Restaurant Meals Program and the instructions for how a county may choose to participate in RMP or appeal a noneligible determination by the department. The bill would also require the department to design the EBT system to, automatically and upon issuance of an EBT card, allow all CalFresh recipients who are eligible for RMP to utilize their benefits in all restaurants that have been approved to participate in RMP.

(2) 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. 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 unless the county declines to participate in the waiver request.

Existing law authorizes counties to participate in the CalFresh Employment and Training program (CalFresh E&T), established by federal law, and requires participating counties 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.

This bill would include subsidized employment as a CalFresh E&T component that a county may offer, and would, to the extent permitted by federal law, require the State Department of Social Services to seek a federal waiver that would allow 50% 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.

(3) Existing law requires each county to provide cash assistance and other social services to needy families through the California Work Opportunity and Responsibility to Kids (CalWORKs) program using federal Temporary Assistance for Needy Families block grant program, state, and county funds. Existing law generally requires a recipient of CalWORKs benefits to participate in welfare-to-work activities as a condition of eligibility for aid. Existing law requires that necessary supportive services be available to participants in welfare-to-work activities, including child care. Existing law declares the intent of the Legislature that the annual Budget Act appropriate state and federal funds in a single allocation to counties for the support of administrative activities undertaken by the counties to provide benefit payments to recipients of aid under the CalWORKs program and to provide required work activities and support services.

This bill would authorize a county to provide employment services to a noncustodial parent from its single allocation funds.

(4) Existing law requires the State Department of Social Services to develop an allocation methodology to distribute additional funding for expanded subsidized employment programs for CalWORKs recipients, or recipients who have exceeded the 48-month time limit, and authorizes the allocated funds to be utilized to cover all expenditures related to the operational costs of the program.

This bill would authorize a county to use existing funds provided under these provisions to provide employment services for noncustodial parents of children receiving benefits under the CalWORKs program.

(5) Existing law continuously appropriates moneys from the General Fund to defray a portion of county costs under the CalWORKs program.

This bill would instead provide that the continuous appropriation would not be made for purposes of implementing the bill.

(6) This bill would incorporate additional changes to Section 18926.5 of the Welfare and Institutions Code proposed by AB 563 to be operative only if this bill and AB 563 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. This act shall be known, and may be cited, as the Reducing Hunger Among Vulnerable Californians Act of 2017.

SEC. 2. Section 11320.16 is added to the Welfare and Institutions Code, to read:

11320.16. Employment services may be provided to a noncustodial parent of a child receiving benefits under the CalWORKs program, at the option of the county, from the county's CalWORKs single allocation funds described in Section 15204.2.

SEC. 3. Section 11322.64 of the Welfare and Institutions Code is amended to read:

11322.64. (a) (1) The department, in consultation with the County Welfare Directors Association of California, shall develop an allocation methodology to distribute additional funding for expanded subsidized employment programs for CalWORKs recipients, or individuals described in Section 11320.15 who have exceeded the time limits specified in subdivision (a) of Section 11454.

(2) Funds allocated pursuant to this section may be utilized to cover all expenditures related to the operational costs of the expanded subsidized employment program, including the cost of overseeing the program, developing work sites, and providing training to participants, as well as wage and nonwage costs.

(3) The department, in consultation with the County Welfare Directors Association of California, shall determine the amount or proportion of funding allocated pursuant to this section that may be utilized for operational costs, consistent with the number of employment slots anticipated to be created and the funding provided.

(b) Funds allocated for expanded subsidized employment shall be in addition to, and independent of, the county allocations made pursuant to Section 15204.2.

(c) (1) A county that accepts additional funding for expanded subsidized employment in accordance with this section shall continue to expend no less than the aggregate amount of funding received by the county pursuant to Section 15204.2 that the county expended on subsidized employment in the 2012–13 fiscal year pursuant to Section 11322.63, as that section read on June 30, 2016.

(2) This subdivision shall not apply for any fiscal year in which the total CalWORKs caseload is projected by the department to increase by more than 5 percent of the total actual CalWORKs caseload in the 2012–13 fiscal year.

(d) Each county shall submit to the department a plan regarding how it intends to utilize the funds allocated pursuant to this section.

(e) (1) Participation in subsidized employment pursuant to this section shall be limited to a maximum of six months for each participant.

(2) Notwithstanding paragraph (1), a county may extend participation beyond the six-month limitation described in paragraph (1) for up to an additional three months at a time, to a maximum of no more than 12 total months. Extensions may be granted pursuant to this paragraph if the county determines that the additional time will increase the likelihood of either of the following:

(A) The participant obtaining unsubsidized employment with the participating employer.

(B) The participant obtaining specific skills and experiences relevant for unsubsidized employment in a particular field.

(f) A county may continue to provide subsidized employment funded under this section to individuals who become ineligible for CalWORKs benefits in accordance with Section 11323.25.

(g) A county may use existing funds provided under this section to provide employment services for noncustodial parents of children receiving benefits under the CalWORKs program.

(h) Upon application for CalWORKs assistance after a participant's subsidized employment ends, if an assistance unit is otherwise eligible within three calendar months of the date that subsidized employment ended, the income exemption requirements contained in Section 11451.5 and the work requirements contained in subdivision (c) of Section 11201 shall apply. If aid is restored after the expiration of that three-month period, the income exemption requirements contained in Section 11450.12 and the work requirements contained in subdivision (b) of Section 11201 shall apply.

SEC. 4. Section 18919 is added to the Welfare and Institutions Code, to read:

18919. (a) 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 shall issue an annual all-county letter providing guidance that lists which counties or regions are eligible to participate in the Restaurant Meals Program (RMP) because they meet the requirements established in Section 4014 of the federal Agricultural Act of 2014 (Public Law 113-79). The department's all-county letter shall include instructions for how a county may choose to participate in RMP or appeal a noneligible determination by the department.

(b) The department shall design the electronic benefits transfer (EBT) system established pursuant to Chapter 3 (commencing with Section 10065) of Part 1 to, automatically and upon issuance of an EBT card, allow all CalFresh recipients who are eligible for RMP to utilize their benefits in all restaurants that have been approved to participate in RMP.

(c) Except for direct farm purchasing programs or where otherwise not required at a certified farmer's market, a restaurant shall not operate as a vendor in the program unless the restaurant permits customers to make in-store purchases, maintains a current public health license, and complies with all federal, state, and local health and safety laws, regulations, and ordinances. For the purpose of this section, "in-store purchase" means any purchase that is not delivered to the purchaser.

(d) To the extent permitted by federal law, nothing shall preclude a county that elects to participate in RMP from determining the number, type, and location of restaurants the county may choose to include as vendors to align with county administrative capacity or other factors, including, but not limited to, location of participating restaurants and recipient demand.

SEC. 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, or if he or she is a victim of domestic violence.

(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, including, but not limited to, any of the following:

(A) Self-initiated workfare.

(B) Work experience or training.

(C) Education.

(D) Job search.

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

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

(2) Nothing in this section shall be construed to 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 able-bodied adult without dependents (ABAWD) participants in counties that do not participate in the waiver of the ABAWD time limit pursuant to Section 18926.

(e) Nothing in this section shall 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) Nothing in this section shall restrict the use of federal funds for the financing of CalFresh E&T programs.

(g) Nothing in this section shall be construed to 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 shall not be an employee for the purposes of workers' compensation coverage, and a county shall have no duty to provide workers' compensation coverage for a CalFresh E&T participant.

(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. Thereafter, the department shall adopt regulations to implement this section by October 1, 2013.

SEC. 5.5. 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. 6. No appropriation pursuant to Section 15200 of the Welfare and Institutions Code shall be made for purposes of implementing this act.

SEC. 7. Section 5.5 of this bill incorporates amendments to Section 18926.5 of the Welfare and Institutions Code proposed by both this bill and Assembly Bill 563. 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 Assembly Bill 563, in which case Section 5 of this bill shall not become operative.