

AMENDED IN SENATE JULY 28, 1995

AMENDED IN SENATE JULY 11, 1995

AMENDED IN ASSEMBLY APRIL 26, 1995

AMENDED IN ASSEMBLY MARCH 27, 1995

CALIFORNIA LEGISLATURE—1995–96 REGULAR SESSION

ASSEMBLY BILL

No. 1371

Introduced by Assembly Member Weggeland
(Principal coauthor: Assembly Member Granlund)
(Coauthor: Assembly Member Battin)
(Coauthors: Senators Haynes and Leonard)

February 23, 1995

An act to amend Section 33117.5 of the Education Code, to amend Sections ~~H310~~, 11320.6, 11320.8, 11321.4, 11322.8, 11323, 11323.1, 11323.2, 11323.4, 11324.8, 11325, 11325.4, 11327, 11327.4, 11327.5, 11327.6, 11327.8, 11328, 11328.6, 11329.7, 11330.4 of, to add Sections *11320.3*, 11325.21, 11325.22, 11325.23, and 11325.25 to, to ~~add Article 9.1 (commencing with Section 11620) to Chapter 2 of Part 3 of Division 9 of,~~ to repeal Sections 11323.15, 11325.8, 11326.2, 11326.4, 11326.6, 11326.8, and 11327.55 of, *and to repeal Article 3 (commencing with Section 11300) of Chapter 2 of Part 3 of Division 9 of,* and to repeal and add Sections 11322.4, 11325.2, and 11326 of, the Welfare and Institutions Code, relating to public social services, *and declaring the urgency thereof, to take effect immediately.*

LEGISLATIVE COUNSEL'S DIGEST

AB 1371, as amended, Weggeland. Greater Avenues for Independence program.

Existing law provides for the Aid to Families with Dependent Children (AFDC) program, under which each county provides cash assistance and other benefits to qualified low-income families.

Existing law establishes the Greater Avenues for Independence (GAIN) program, under which employment and training services are provided to AFDC recipients, with the program administered by each county in accordance with approved county plans.

This bill would revise the procedures for the implementation of the GAIN program and would make technical revisions to conform to statutory changes in state and federal law.

To the extent this bill would increase county responsibilities in the implementation of the AFDC GAIN program, 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, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.~~

~~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 these statutory provisions:~~

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 no reimbursement is required by this act for a specified reason.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: ~~majority~~ ^{2/3}. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.



The people of the State of California do enact as follows:

1 SECTION 1. Section 33117.5 of the Education Code is
2 amended to read:

3 33117.5. (a) Adult education programs and regional
4 occupational programs operated by school districts and
5 county offices of education that have contracted with the
6 Superintendent of Public Instruction pursuant to
7 subdivision (b) shall provide services to welfare
8 recipients referred by county welfare departments in
9 accordance with subdivision (c) of Section 11322.8 and
10 paragraph (3) of subdivision (b) of Section 11325.22 of the
11 Welfare and Institutions Code. These services shall
12 include an evaluation of the individual's educational and
13 training needs for purposes of subdivision (c) of Section
14 11322.8 and paragraph (3) of subdivision (b) of Section
15 11325.22 of the Welfare and Institutions Code and the
16 preparation of a related education and training plan
17 reflecting these needs. The plan shall specify the
18 educational and training services to be provided and the
19 length of time services are to be provided, and shall assure
20 access to those services.

21 (b) The Superintendent of Public Instruction shall
22 identify school districts or county offices of education that
23 can best accommodate welfare recipients for whom
24 vocational education, adult education, and English as a
25 second language is specified in contracts required by
26 Sections 11321.4 and 11325.21 of the Welfare and
27 Institutions Code. The superintendent shall enter into
28 contracts with each consenting district or county office,
29 where necessary, so that the contracting district,
30 independent regional occupation program, or county
31 office shall provide at least 10 weekly hours of open
32 entry-open exit skills training and education for welfare
33 recipients who need this training to enable counties to
34 meet their goals for plans developed pursuant to Article
35 3.2 (commencing with Section 11320) of Chapter 2 of Part
36 3 of Division 9 of the Welfare and Institutions Code. If a
37 program is unable to provide at least 10 hours of
38 instruction to these participants, even though funds are



1 available, the appropriate district or county office shall
2 report to the superintendent the reasons why sufficient
3 hours of instruction were not provided. The
4 superintendent should provide technical assistance to
5 those districts or county offices to resolve the problems
6 that prohibit an adequate number of hours of instruction
7 from being offered.

8 (c) Allocations to the Superintendent of Public
9 Instruction of funds available under Section 202
10 (c)(1)(C) and Section 262(c)(1)(C) of the federal Job
11 Training Partnership Act shall be used for purposes of this
12 section to the extent the superintendent determines
13 necessary.

14 The Superintendent of Public Instruction shall allocate
15 these funds directly to service delivery areas for
16 allocation to those providers of educational and training
17 services delivered in accordance with this section. The
18 Superintendent of Public Instruction shall allocate to
19 community college districts and the Chancellor's Office
20 of the California Community Colleges such funds as are
21 determined necessary pursuant to Section 71050. The
22 Superintendent of Public Instruction may allocate these
23 funds to service delivery areas which have agreements
24 with private schools and organizations to provide
25 educational and training services under Article 3.2
26 (commencing with Section 11320) of Chapter 2 of Part 3
27 of Division 9 of the Welfare and Institutions Code. These
28 funds shall be allocated in accordance with the
29 coordination criteria of the coordination and special
30 services plan as provided in Section 10524 of the
31 Unemployment Insurance Code, and according to the
32 priority order of eligible persons for these funds as
33 provided in Sections 15010 and 15011 of the
34 Unemployment Insurance Code.

35 (d) As a condition for the funding of education and
36 training services to participants under Article 3.2
37 (commencing with Section 11320) of Chapter 2 of Part 3
38 of Division 9 of the Welfare and Institutions Code, as
39 provided in subdivisions (a) to (c), inclusive, education
40 providers and county welfare departments shall discuss



1 and jointly certify that they agree upon the delivery of
2 education and training services for program participants.

3 *SEC. 1.3. Article 3 (commencing with Section 11300)*
4 *of Chapter 2 of Part 3 of Division 9 of the Welfare and*
5 *Institutions Code is repealed.*

6 *SEC. 2. Section ~~11310 of the Welfare and Institutions~~*
7 *~~Code is amended~~ 11320.3 is added to Welfare and*
8 *Institutions Code, to read:*

9 ~~11310.~~

10 *11320.3.* (a) Except as provided in subdivision (b),
11 every individual, as a condition for eligibility for aid under
12 this chapter, shall register for manpower services,
13 training, and employment.

14 (b) The following individuals are not required to
15 register:

16 (1) An individual under 16 years, except as provided
17 in subdivision (b) of Section 11331.5, during the time that
18 provision is operative.

19 (2) Except as provided in subdivision (b) of Section
20 11331.5, during the time that provision is operative, a
21 child attending an elementary, secondary, vocational, or
22 technical school on a full-time basis. A person who is 16 or
23 17 years of age, or a person described in subdivision (d)
24 who loses this exemption, shall not requalify for the
25 exemption by attending school as a required activity
26 under the Greater Avenues for Independence program.
27 For purposes of this subdivision, school does not include
28 postsecondary education.

29 (3) An individual who is ill, incapacitated, or of
30 advanced age.

31 (4) Except as provided in subdivision (b) of Section
32 11331.5, during the time that provision is operative, an
33 individual so remote from a program activity that his or
34 her effective participation is precluded.

35 (5) Except as provided in subdivision (b) of Section
36 11331.5, during the time that provision is operative, an
37 individual whose presence in the home is required
38 because of illness or incapacity of another member of the
39 household.



1 (6) Except as provided in subdivision (b) of Section
2 11331.5, during the time that provision is operative, a
3 parent or other relative who meets the criteria described
4 in subparagraph (A) or (B).

5 (A) Has primary responsibility for personally
6 providing care to a child under the age of three years. An
7 individual may be exempt only once for this reason
8 during a period of continuous eligibility for aid to families
9 with dependent children in the State of California. An
10 individual who has primary responsibility for personally
11 providing care to a child under three years of age who has
12 previously received this exemption shall be exempt for a
13 period of four months, upon the birth or adoption of a
14 child. An individual meeting this criterion who
15 volunteers to register may not be required to participate
16 unless it is guaranteed that: (1) child care will be
17 provided and (2) participation will not be required for
18 more than 20 hours per week.

19 (B) Has primary responsibility for personally
20 providing care to a child aged three to five years,
21 inclusive, unless it is guaranteed that: (1) child care will
22 be provided and (2) participation will not be required for
23 more than 20 hours per week.

24 (C) In a family eligible for Aid to Families with
25 Dependent Children payments due to the
26 unemployment of the principal wage earner, the
27 exemption criteria contained in subparagraph (A) or (B)
28 shall be applied to only one parent.

29 (7) Except as provided in subdivision (b) of Section
30 11331.5, during the time that provision is operative, a
31 woman who is pregnant and it has been medically
32 verified that the anticipated delivery date is the month of
33 required participation or is within the six-month period
34 immediately following the month of required
35 participation.

36 (8) Except as provided in subdivision (b) of Section
37 11331.5, during the time that provision is operative, an
38 individual who is earning at least the state or federal
39 minimum wage, whichever is higher, for working not less
40 than 30 hours per week in unsubsidized employment that



1 is expected to last a minimum of 30 days. The minimum
2 wage requirement shall apply to the net earnings of
3 self-employed individuals, and it shall not apply during
4 the first six months of self-employment or employment
5 that is compensated by commission. This exemption
6 continues to apply if there is a temporary break in
7 full-time employment that is expected to last no longer
8 than 10 working days.

9 (9) An individual who is a full-time volunteer serving
10 under the Volunteers in Service to America (VISTA)
11 program, pursuant to Title 1 of the federal Domestic
12 Volunteer Service Act of 1973 (P.L. 93-113).

13 (c) Any individual not required to register may choose
14 to register voluntarily for manpower services, training,
15 and employment, and may withdraw that registration at
16 any time without loss of eligibility for aid under this
17 chapter, if his or her status has not changed in a way that
18 would require registration.

19 (d) (1) Notwithstanding subdivision (a), a custodial
20 parent who is under 20 years of age and who has not
21 earned a high school diploma or its equivalent, and who
22 is not exempt or whose only basis for exemption is
23 subparagraph (A) of paragraph (6) of subdivision (b),
24 shall be required to register solely for the purpose of
25 earning a high school diploma or its equivalent. During
26 the time that Article 3.5 (commencing with Section
27 11331) is operative, this subdivision shall only apply to a
28 custodial parent who is 19 years of age.

29 (2) Notwithstanding subparagraph (B) of paragraph
30 (6) of subdivision (b), full-time participation shall be
31 required of the parent.

32 (3) Section 11325.25 shall apply to a custodial parent
33 who is 18 or 19 years of age who is required to participate
34 under this article. Any referral pursuant to an evaluation
35 that results in an assignment to any training or work
36 activity shall be subject to subparagraph (B) of paragraph
37 (6) of subdivision (b).

38 (4) Custodial mothers under 20 years of age who have
39 not earned a high school diploma or its equivalent shall be
40 exempted due to incapacity as provided in paragraph (3)

1 of subdivision (b) after the birth of the child for a period
2 of postpartum recovery as prescribed by a physician.

3 (e) Notwithstanding paragraphs (1), (2), and (4) of
4 subdivision (d), ~~and except as provided in paragraph (3)~~
5 ~~of subdivision (d)~~, the county may determine at appraisal
6 that participation in education activities for the purpose
7 of earning a high school diploma or equivalent is
8 inappropriate for an 18 or 19 year old custodial parent
9 only if that parent is *reassigned pursuant to an evaluation*
10 *under Section 11325.25, or is* already in an educational or
11 vocational training program that is approvable as a
12 self-initiated program as specified in Section 11325.23. If
13 that determination is made, the parent shall be allowed
14 to continue participation in the self-initiated program
15 subject to Section 11325.23. During the time that Article
16 3.5 (commencing with Section 11331) is operative, this
17 subdivision shall only apply to a custodial parent who is 19
18 years of age.

19 SEC. 3. Section 11320.6 of the Welfare and Institutions
20 Code is amended to read:

21 11320.6. (a) County welfare departments shall
22 administer this article in a manner consistent with this
23 chapter and regulations adopted by the department in
24 order to implement this chapter.

25 (b) Each county welfare department, with the
26 cooperation of community college districts, county offices
27 of education, and local private industry councils
28 established under Chapter 4 (commencing with Section
29 15030) of Division 8 of the Unemployment Insurance
30 Code, shall maintain with the department a county plan
31 that describes a package of services to be provided to
32 participants receiving services under this article, and that
33 reflects available resources and local job market needs. A
34 joint plan may be maintained by two or more consenting
35 counties.

36 (c) Each county plan shall include a participant and
37 labor market needs assessment that shall specify all of the
38 following:



1 (1) The full employment goal of the plan, which shall
2 be the provision of unsubsidized employment for all
3 county registrants subject to this article.

4 (2) An assessment of the county's current and
5 projected unsubsidized employment needs.

6 (3) An inventory of services, including those specified
7 in Section 11322.6, available to county residents.

8 (4) The amount and kind of services required to meet
9 the full employment goal for all registrants.

10 (5) The amount and kind of services that will be used
11 in the plan year.

12 (6) An assessment of what services are currently
13 unavailable and needed, including child care services, to
14 meet the full employment goal and a plan for developing
15 the availability of these services within a reasonable
16 period of time, including a proposed program budget.

17 (d) (1) Each county plan shall specify the county's
18 annual performance objectives, including goals for the
19 achievement of outcomes as required by the department.
20 A county that fails to meet these goals shall submit to the
21 department for approval, as part of the plan update,
22 proposed changes in program operation that will enable
23 the county to meet its performance objectives.

24 (2) The county plan for the first fiscal year following
25 the effective date of this paragraph shall include the
26 county's goals for the number of job placements, grant
27 reductions, and terminations that reflect increased
28 income from employment. Counties shall also report
29 information regarding the number of licenses,
30 certificates, and degrees obtained by participants, and
31 the number of participants obtaining employment as a
32 result thereof. By June 30, 1996, the department shall
33 develop additional performance objectives based on
34 outcome measures that include, but are not limited to,
35 recidivism, job retention, wage and benefit levels, and the
36 time base of job placements.

37 (e) If services are not available in the county, the
38 county plan may include provisions for the purchase of
39 services from other counties.



1 (f) The department shall develop regulations for the
2 revision and update of the county plan.

3 (g) Any county in which there is an Indian tribe which
4 operates a job opportunities and basic skills training
5 program approved by the federal Department of Health
6 and Human Services under the federal Family Support
7 Act of 1988 (P.L. 100-485) shall do all of the following:

8 (1) (A) Provide the tribe or tribes with information
9 on adult tribal AFDC recipients needed to determine the
10 eligible tribal population and to define the designated
11 service area.

12 (B) The confidentiality standards of Chapter 5
13 (commencing with Section 10850) shall apply to this
14 paragraph.

15 (2) Determine the eligibility of tribal members for
16 AFDC in accordance with Chapter 2 (commencing with
17 Section 11250).

18 (3) Refer all AFDC applicants and recipients who are
19 tribal members to the tribe's education, training, and
20 work program.

21 (4) Impose financial sanctions in accordance with
22 Section 11327.5.

23 (5) Provide child care referrals and payments,
24 including transitional child care, in accordance with
25 Chapter 2 (commencing with Section 11250).

26 (6) Enter into any agreements necessary to carry out
27 the activities specified in this subdivision.

28 SEC. 4. Section 11320.8 of the Welfare and Institutions
29 Code is amended to read:

30 11320.8. (a) Each county plan shall contain a
31 methodology for the provision of job services, training
32 and education, case management activities, and
33 supportive services to program participants. This
34 methodology shall specify how county welfare
35 departments will cooperate with, and maximize the use
36 of, education, child care, resource and referral agencies,
37 job service, and other appropriate local service providers.
38 To the extent existing programs are available to county
39 residents, each county plan shall specify the manner in
40 which these programs shall be utilized to provide services



1 specified in this article. The county may provide services
2 directly to program participants or enter into
3 interagency agreements or contracts with private or
4 public agencies for the provision of these services.

5 (b) Each county shall specify in its plan its target
6 groups and the choices that may be made available to
7 each target group. The county shall make available all of
8 its programs to each target group, but may give priorities
9 for certain programs to groups for whom these programs
10 are reasonably expected to be the most effective.

11 (c) Each county welfare department shall afford any
12 local private industry councils, local legal aid and welfare
13 rights representatives, and local housing authorities
14 responsible for administering public housing programs an
15 opportunity for prior review and comment on county
16 plan updates and revisions. When submitted to the state
17 department for approval, each county plan shall be
18 accompanied by a letter from the private industry
19 council, or councils in a multiservice delivery area
20 county, certifying the level of local coordination
21 including joint planning and the use of local labor market
22 information.

23 SEC. 5. Section 11321.4 of the Welfare and Institutions
24 Code is amended to read:

25 11321.4. Each county welfare department shall, in
26 providing services to participants under this article,
27 provide services to each participant that will best achieve
28 the individual's employment goal as identified through
29 the development of an employment plan. Services to be
30 provided to each participant shall be specified in the
31 contract entered into between the county welfare
32 department and the participant pursuant to Section
33 11325.21.

34 SEC. 6. Section 11322.4 of the Welfare and Institutions
35 Code is repealed.

36 SEC. 7. Section 11322.4 is added to the Welfare and
37 Institutions Code, to read:

38 11322.4. (a) If resources are not sufficient to serve all
39 registrants, the county shall adopt a method to determine



1 the order in which registrants are given priority for, or
2 temporarily excluded from, participation in the program.

3 (b) The method adopted by the county shall meet the
4 following requirements:

5 (1) Existing participants shall be given the highest
6 priority. They shall be given an opportunity to complete
7 the services necessary to reach their employment goals,
8 as identified in their contracts with the county, unless the
9 county must temporarily exclude them from the program
10 due to insufficient resources in accordance with the
11 county plan. This shall include individuals who have
12 completed their high school education while
13 participating in the Cal-Learn Program pursuant to
14 Article 3.5 (commencing with Section 11331), during the
15 time that article is operative, and who shall receive any
16 additional services needed to prepare them for
17 employment.

18 (2) Fifty-five percent of funds expended for the
19 program in the county shall be for services to any of the
20 following target populations.

21 (A) Applicants for, or recipients of, AFDC who have
22 received AFDC for any 36 of the 60 months immediately
23 preceding the most recent month for which application
24 has been made.

25 (B) Custodial parents under the age of 24 who had
26 little or no work experience in the preceding year.

27 (C) Custodial parents under the age of 24 who have
28 not completed a high school education and are not
29 enrolled in high school, or in a high school equivalency
30 course of instruction.

31 (D) Members of a family in which the youngest child
32 is within two years of being ineligible for aid under this
33 chapter because of age.

34 (3) Within any target population selected by the
35 county or specified in paragraph ~~(3)~~ (2), first priority
36 shall be given to an applicant or recipient who volunteers
37 to participate in the program. For purposes of this section,
38 a "volunteer" is any person eligible to participate in the
39 program, either exempt or nonexempt, who expresses a
40 desire to participate.



1 (4) A county may not give lesser priority to any target
2 population group because of estimated costs of
3 supportive services to that group.

4 (c) The method adopted by the county shall be
5 described in the county plan and subject to the approval
6 of the department pursuant to Section 11321.2. The plan
7 shall also include information on local demographic,
8 economic, or other conditions that support the need for
9 the method selected.

10 (d) This section shall not apply to individuals subject
11 to Article 3.5 (commencing with Section 11331) during
12 the time that article is operative.

13 SEC. 8. Section 11322.8 of the Welfare and Institutions
14 Code is amended to read:

15 11322.8. As provided in the contract entered into
16 between the county welfare department and the
17 participant pursuant to this article, training and
18 education services include, but are not limited to, all of
19 the following:

20 (a) Job training, which shall include, but is not limited
21 to, training in employer-specific job skills in a classroom
22 or onsite setting, including training provided by local
23 private industry council programs and community
24 colleges.

25 (1) Payments to an employer for on-the-job training
26 shall not exceed an average of 50 percent of the wages
27 paid by the employer to the participant during the period
28 of on-the-job training.

29 (2) A participant in on-the-job training shall be
30 compensated by the employer at the same rates,
31 including benefits and periodic increases as similarly
32 situated employees or trainees, but not less than the
33 higher of federal or state minimum wages.

34 (b) (1) Preemployment preparation, which shall
35 include work for a public or nonprofit agency that shall
36 help to provide basic job skills; enhance existing job skills
37 in a position related to a participant's experience, training
38 or education; or provide a needed community service. A
39 preemployment preparation assignment shall not exceed
40 12 months.



1 (2) The participant shall continue to seek employment
2 during the preemployment preparation assignment and
3 may request job search services as described in Section
4 11322.6 subject to the limits specified in subdivision (f) of
5 Section 11322.6.

6 (3) Except for persons subject to paragraph (4), the
7 number of hours a person participates in a
8 preemployment preparation program shall be
9 determined by dividing his or her aid grant under this
10 chapter, less any child support paid to the county, by the
11 average hourly wage for all job openings received by the
12 Employment Development Department. The average
13 hourly wage shall be updated annually every July 1. No
14 preemployment preparation assignment shall exceed 32
15 hours per week.

16 (4) If a person participates in a preemployment
17 preparation assignment for nine months, the number of
18 hours that person is required to participate shall be
19 recomputed by the county welfare department.
20 Beginning in the 10th month, the number of hours of
21 preemployment preparation shall be determined by
22 dividing a person's aid grant under this chapter, less any
23 child support paid to the county, by the prevailing rate of
24 pay for the same or similar job at the site to which the
25 person is assigned. In no case shall the prevailing rate of
26 pay fall below the average hourly wage for job openings
27 received by the Employment Development
28 Department, as provided in paragraph (3). No
29 preemployment preparation assignment shall exceed 32
30 hours per week.

31 (5) The county shall review the assignment after six
32 months and make revisions as necessary to ensure that it
33 continues to be consistent with the participant's contract
34 and effective in preparing the participant to attain his or
35 her employment goal.

36 (6) (A) If provided in a county plan approved
37 pursuant to Sections 11321 and 11321.2, and to the extent
38 federal financial participation is available for this
39 purpose, the county may reimburse employers for the



1 costs of supervising participants in preemployment
2 preparation assignments.

3 (B) The cost to reimburse employers for supervision
4 shall not exceed 10 percent of the total costs for
5 preemployment preparation activities, including county,
6 contract, or interagency agreement costs.

7 (C) The department shall seek a waiver from the
8 United States Department of Health and Human Services
9 to obtain approval and federal financial participation for
10 purposes of this paragraph.

11 (D) This paragraph shall only be operative for the
12 duration of the waiver, as specified in the declaration that
13 federal approval for the waiver has been obtained, which
14 the director shall execute and retain.

15 (c) (1) Adult basic education, which shall include
16 reading, writing, arithmetic, high school proficiency or
17 general education development certificate instruction,
18 and English-as-a-second-language, including vocational
19 English-as-a-second-language, to the extent necessary to
20 attain the participant's employment goal. Vocational
21 English-as-a-second-language shall be intensive
22 instruction in English for non-English speaking
23 participants, coordinated with specific job training.

24 (2) Participants who need adult basic education for job
25 training or employment shall be referred to appropriate
26 service providers that include, but are not limited to,
27 educational programs operated by school districts or
28 county offices of education that have contracted with the
29 Superintendent of Public Instruction to provide services
30 to participants pursuant to Section 33117.5 of the
31 Education Code.

32 (d) College and community college education, when
33 that education provides employment skills training that
34 can reasonably be expected to lead to employment.

35 (e) Grant diversion, which means public or private
36 sector employment or on-the-job training at comparable
37 wage rates, in which the recipient's cash grant, or a
38 portion thereof, or the welfare grant savings from
39 employment, is diverted to the employer as a wage



1 subsidy, subsequent to the payment of wages to the
2 participant.

3 (f) Supported work or transitional employment,
4 which mean forms of grant diversion in which the
5 recipient's cash grant, or a portion thereof, or the welfare
6 grant savings from employment, is diverted to an
7 intermediary service provider, subsequent to the
8 payment of wages to the participant.

9 (g) Grant diversion, supported work, and transitional
10 employment projects shall be administered so that:

11 (1) The recipient shall not receive less disposable
12 income than if he or she had not participated in the
13 project. "Disposable income" means the income
14 available to the recipient by adding the aid payment
15 acquired pursuant to this chapter and earnings from the
16 grant diversion project and subtracting the allowable
17 employment related expenses.

18 (2) The grant, a portion of the grant, or the estimated
19 savings due to the earnings from a grant diversion project
20 may be diverted into a special fund created by the county
21 welfare department for this purpose. An employer may
22 be reimbursed from the special fund pursuant to a
23 contract developed by the county welfare department or
24 the service delivery area with the employer.

25 (3) The county shall obtain agreements with
26 employers that participants will be employed upon
27 successful completion of the grant diversion, supported
28 work, or transitional employment period in any related
29 job openings, subject to the following provisions:

30 (A) Employers shall not discriminate against
31 participants on the basis of race, sex, national origin, age,
32 or disability.

33 (B) Except as provided in subdivisions (c) and (d) of
34 Section 11327.5, there shall be no interruption in receipt
35 of income, whether wages from the employer or aid
36 payments by the department, caused by an employer's
37 conduct.

38 (4) No grant diversion, supported work, or transitional
39 employment program shall be implemented under this
40 article until a plan for such a program is approved by the



1 department. No plan for grant diversion, supported work,
2 or transitional employment programs shall be approved
3 if the plan would jeopardize federal financial
4 participation. Standards established by the department
5 for purposes of these programs shall not preclude a
6 significant portion of recipients from participation.

7 (5) A plan submitted under paragraph (4) shall
8 include provisions for immediate reissuance to the
9 recipient of any grant or portion of a grant paid to an
10 employer or intermediary, which has been lost due to
11 fraud, malfeasance, or theft on the part of the employer
12 or intermediary. This plan shall also include provisions for
13 reissuance to the recipient of any grant or portion of a
14 grant paid to an employer or intermediary, when the
15 recipient is determined to have had good cause for
16 declining to participate pursuant to Section 11328. In the
17 event that funds are lost due to fraud, malfeasance, or
18 theft by an employer, the county shall initiate an action
19 to recover from the employer or intermediary any of
20 those funds.

21 (6) To the extent required by federal law, a participant
22 may not be assigned to fill any established unfilled
23 position as part of a grant diversion, supported work, or
24 transitional employment program.

25 SEC. 9. Section 11323 of the Welfare and Institutions
26 Code is amended to read:

27 11323. Participants referred to education services
28 described in subdivision (c) of Section 11322.8 shall
29 receive at least 10 hours of instruction during each week
30 that participation is required, if available. Counties shall
31 notify the department when they are unable to provide
32 the minimum hours of instruction. Upon notification, the
33 department shall work with the State Department of
34 Education and California Community Colleges to secure
35 funding so that a county can provide the minimum level
36 of instructional time.

37 SEC. 10. Section 11323.1 of the Welfare and
38 Institutions Code is amended to read:

39 11323.1. (a) (1) A county welfare department may,
40 as part of the county plan required pursuant to Sections



1 11320.6 and 11320.8, include a training component in
2 which persons participating under this article receive
3 training in business development and self-employment as
4 an option under Sections 11320.8 and 11322.8. As part of
5 the county plan, the county shall provide a statement of
6 need for this training component in that county.

7 (2) (A) Where appropriate, the county welfare
8 department shall refer the participants to a training
9 agency based on the assessment required by Section
10 11325.4.

11 (B) The county welfare department shall approve and
12 monitor the training program.

13 (b) (1) Persons participating pursuant to this article
14 who indicate a desire to participate in a training
15 component provided for pursuant to subdivision (a) shall
16 be carefully assessed for self-employment skills or other
17 relevant skills and aptitude by the training agency, and a
18 determination shall be made as to whether the individual
19 has the potential to become successfully self-employed or
20 obtain employment in the child care field.

21 (2) The assessment made pursuant to paragraph (1)
22 shall include an evaluation of the viability and likelihood
23 of success of the individual's business idea or plan.

24 (3) An assessment made pursuant to paragraph (1)
25 shall not discriminate against individuals on the basis of
26 age, gender, or ethnic origin.

27 (4) If the training agency determines that the
28 program is not suitable for a potential participant, the
29 training agency shall notify the county in writing of the
30 reasons for that determination.

31 (5) All rights and responsibilities prescribed by
32 Sections 11324.8 to 11327, inclusive, shall apply to all
33 parties participating in the training component.

34 (c) Participants in the training program shall reflect,
35 to the extent possible, the ethnic, gender, and age
36 characteristics of the population of participants under
37 this article in the county.

38 (d) (1) The training shall consist of all of the
39 following:

40 (A) Development and evaluation of business plans.



1 (B) Capitalization of small businesses.

2 (C) Marketing strategies.

3 (D) Business location analysis.

4 (E) Direct technical assistance in the development of
5 a small business.

6 (F) Other subjects necessary to achieve proficiency in
7 basic business skills, such as minor bookkeeping,
8 necessary to successfully operate a small business.

9 (2) (A) In developing the training, the training
10 agency shall specify what type of direct technical
11 assistance will be provided to participants to aid in the
12 development and continuing success of a small business.

13 (B) The technical assistance shall include, but need
14 not be limited to, business counseling and assistance in
15 applying for loans necessary to operate a small business.

16 (e) (1) Funding for the programs implemented
17 pursuant to this section shall come from the Budget Act
18 appropriation for the implementation of this article.

19 (2) When training under this section is conducted by
20 a community college district, reimbursement shall be
21 provided to the district through the regular
22 reimbursement process for the Greater Avenues for
23 Independence program.

24 (f) Those participants who require a capitalization
25 loan shall apply for the loan before the conclusion of the
26 technical assistance period.

27 (g) For purposes of this section, the contract between
28 the county and the participant pursuant to Section
29 11325.21 shall specify the activity to which an individual
30 shall be reassigned if he or she does not obtain a
31 capitalization loan within 120 days of applying for the
32 loan, or, with good cause, does not complete the training
33 provided for in this section, or he or she fails to obtain
34 self-employment or other unsubsidized employment
35 within 180 days of the completion of the training period
36 including technical assistance.

37 (h) (1) (A) Notwithstanding Section 11328.8, for the
38 purposes of this section, the training provider shall be
39 reimbursed up to 70 percent of the fixed unit price of the
40 training costs, upon the participant's successful



1 completion of the training program, including technical
2 assistance.

3 (B) Completion of training of those participants who
4 apply for a capitalization loan shall be deemed to occur
5 upon completion of classroom training and application
6 for a loan.

7 (2) At least 30 percent of the fixed unit price for the
8 training provided under this section shall be withheld,
9 and progress payments shall be made from that withheld
10 portion upon evidence of self-employment or
11 employment for 30, 90, and 180 days.

12 (3) For purposes of this subdivision, the department
13 shall define acceptable evidence of self-employment.

14 (i) The training provider shall be reimbursed a pro
15 rata share of the 70 percent payment if the participant
16 fails to complete the training.

17 (j) Training in child care shall be conducted by
18 training agencies which have an existing child
19 development program.

20 (k) (1) In order to enhance the success of the training
21 component authorized by this section, the department
22 shall explore the feasibility of excluding from
23 participants' income and resources for eligibility and
24 grant purposes, certain business expenses and resources
25 of participants who have completed the self-employment
26 and business development training pursuant to this
27 section and who have started a business. The department
28 shall consult with county welfare departments and
29 training agencies in exploring these exclusions.

30 (2) At a minimum, the department shall consider the
31 following exclusions:

32 (A) The exclusion of a vehicle used for
33 self-employment purposes from available resources.

34 (B) The exclusion of cash reserves reinvested into the
35 participant's business from available resources.

36 (C) The deduction of transportation cost, inventory,
37 and raw material costs from income.

38 (D) The exclusion of capital expenditures from
39 available resources.

40 (E) The deduction of loan payments from income.



1 (l) For purposes of this section, “training agency”
2 means any agency with an established training program
3 in self-employment, entrepreneurship, or business
4 development and which agrees to participate pursuant to
5 this section and includes, but is not limited to, a
6 community college or private agency.

7 SEC. 11. Section 11323.15 of the Welfare and
8 Institutions Code is repealed.

9 SEC. 12. Section 11323.2 of the Welfare and
10 Institutions Code is amended to read:

11 11323.2. (a) Necessary supportive services shall be
12 available to every participant in order to participate in
13 the program activity to which he or she is assigned or to
14 accept employment, except as otherwise provided in
15 Section 11500. As provided in the contract entered into
16 between the county and participant pursuant to this
17 article, supportive services shall include, but are not
18 limited to, all of the following:

19 (1) Child care. Paid child care shall be available to
20 every participant with a dependent child in the assistance
21 unit who needs paid child care if the child is under 13
22 years of age or requires child care or supervision due to
23 a physical, mental, or developmental disability or other
24 similar condition as verified by the county welfare
25 department, or who is under court supervision. A child in
26 foster care receiving benefits under Title IV-E of the
27 federal Social Security Act (42 U.S.C.A. Sec. 670 et seq.)
28 or a child who would become a dependent child except
29 for the receipt of federal Supplemental Security Income
30 benefits pursuant to Title XVI of the federal Social
31 Security Act (42 U.S.C.A. Sec. 1381 et seq.) shall be
32 deemed to be a dependent child for the purposes of this
33 paragraph.

34 (2) Transportation costs.

35 (3) Ancillary expenses, which shall include the cost of
36 books, tools, clothing, fees, and other necessary costs.

37 (4) Personal counseling. A participant who has
38 personal or family problems that would affect the
39 outcome of the employment plan entered into pursuant
40 to this article shall, to the extent available, receive



1 necessary counseling or therapy to help him or her and
2 his or her family adjust to his or her job or training
3 assignment.

4 (b) (1) If provided in a county plan approved
5 pursuant to Sections 11321 and 11321.2, and to the extent
6 federal financial participation for purposes of this
7 subdivision is available, the county may continue to
8 provide case management and supportive services under
9 this section to former participants who become subject to
10 paragraph (8) of subdivision (b) of Section ~~11310~~ 11320.3.
11 The county may provide these services for up to the first
12 90 days of employment to the extent they are not
13 available from other sources and are needed for the
14 individual to retain the employment.

15 (2) The county shall not continue to apply this option
16 if the number of participants it is able to serve decreases
17 by 10 percent or more in ~~the~~ any year after the option is
18 implemented.

19 (3) The department shall seek any waiver from the
20 United States Department of Health and Human Services
21 that is necessary to obtain approval and federal financial
22 participation for the services under this subdivision. If a
23 waiver is necessary, this subdivision shall only be
24 operative for the duration of the waiver, as specified in
25 the declaration that federal approval for the waiver has
26 been obtained, which the director shall execute and
27 retain.

28 SEC. 13. Section 11323.4 of the Welfare and
29 Institutions Code is amended to read:

30 11323.4. (a) Payments for supportive services, as
31 described in Section 11323.2, shall be advanced to the
32 participant, wherever necessary, and when desired by
33 the participant, so that the participant need not use his or
34 her funds to pay for these services.

35 (b) The county welfare department shall take all
36 reasonable steps necessary to promptly correct any
37 overpayment or underpayment of supportive services
38 payments to a recipient or a service provider, including,
39 but not limited to, all cases involving fraud and abuse,
40 consistent with procedures developed by the



1 department. The department's procedures shall not
2 jeopardize federal financial participation.

3 (c) Notwithstanding any other provision of this article,
4 any participant in on-the-job training who becomes
5 ineligible for ~~AFDC~~ *aid under this chapter* due to earned
6 income, hours worked, or loss of income disregards, shall
7 remain a participant in the ~~GAIN—program~~ *program*
8 *under this article* for the duration of the on-the-job
9 training assignment and shall be eligible for supportive
10 services ~~during~~ *for* the duration of the on-the-job training.
11 Each month of child care benefits provided pursuant to
12 this subdivision shall reduce the number of months of
13 transitional child care available to participants under
14 Section 11500.

15 (d) Notwithstanding any other provision of this
16 article, any participant in on-the-job training, grant
17 diversion, supported work, or transitional employment
18 who remains eligible for aid pursuant to this chapter, shall
19 be eligible for transportation and ancillary expenses
20 pursuant to paragraphs (2) and (3) of subdivision (a) of
21 Section 11323.2 only to the extent that federal financial
22 participation is available.

23 (e) (1) Participants shall be encouraged to apply for
24 *financial aid, including* educational grants, scholarships,
25 and awards.

26 (2) To the extent permitted by federal law, the county
27 shall coordinate with financial aid offices to establish
28 procedures whereby the educational expenses of
29 participants are met through available financial aid and
30 the supportive services described in Section 11323.2.
31 These procedures shall not result in duplication of
32 payments, and shall require determinations to be made
33 on an individual basis to ensure that using financial
34 assistance will not prevent the person's participation in
35 his or her program.

36 (3) The department shall promulgate regulations to
37 implement this subdivision.

38 SEC. 14. Section 11324.8 of the Welfare and
39 Institutions Code is amended to read:



1 11324.8. (a) At the time an individual applies for aid
2 under this chapter, or at the time a recipient's eligibility
3 for aid is determined, the county shall do all of the
4 following:

5 (1) Provide the individual, in writing and orally as
6 necessary, with at least the following program
7 information:

8 (A) A general description of the education,
9 employment, and training opportunities and the
10 supportive services available, including transitional
11 benefits.

12 (B) A description of the exemptions from required
13 participation provided under this article and the
14 consequences of a refusal to participate in program
15 components, if not exempt.

16 (C) A description of the responsibility of the
17 participant to cooperate in establishing paternity and
18 enforcing child support obligations, and to assist
19 individuals in establishing paternity and obtaining child
20 support as a condition of eligibility.

21 (2) Determine whether the individual is required to
22 register for the program provided under this article. At
23 the time the determination is made, any individual who
24 is deemed to be required to register under this article
25 shall immediately register with the county welfare
26 department.

27 (b) At the time an individual registers pursuant to this
28 article, he or she shall receive a written preliminary
29 determination that he or she is a member of a targeted
30 group, for purposes of any applicable and operative
31 federal Targeted Jobs Tax Credit and the California Jobs
32 Tax Credit. With respect to any person required to
33 register under this article, registration pursuant to this
34 section shall be a condition of eligibility for aid under this
35 chapter, except that any delay in registration due to
36 circumstances beyond the control of the individual shall
37 not adversely affect his or her eligibility for aid under this
38 chapter.

39 (c) The recipient may appeal a determination that he
40 or she is required to register under this article or sign a



1 contract pursuant to Section 11325.21, through the
2 procedures set forth in Chapter 7 (commencing with
3 Section 10950) of Part 2.

4 (d) Persons not required to register may volunteer to
5 participate.

6 (e) An applicant for, or a recipient of, aid who is
7 dissatisfied with the terms of the contract may seek
8 redress through conciliation, as described in Section
9 11327.4.

10 (f) (1) In accordance with procedures specified by
11 the department, the county shall allow individuals to
12 express their desire to participate in the program and
13 provide instructions on how to enter the program.

14 (2) Notwithstanding paragraph (1), an indication of
15 preference not to participate shall not exempt individuals
16 required to register for the program from participation in
17 the program.

18 SEC. 15. Section 11325 of the Welfare and Institutions
19 Code is amended to read:

20 11325. (a) Persons who are not exempt but who meet
21 the following criteria shall not be required to participate
22 in program components, beyond appraisal as specified in
23 Section 11325.2, until the county welfare department
24 determines that the situation that permits
25 nonparticipation no longer exists:

26 (1) (A) A person who, at the time of appraisal, is
27 enrolled on a full-time basis in a program to earn a license,
28 certificate, or degree that will lead to employment.

29 (B) If the county welfare department does not agree
30 that the program will lead to employment, the registrant
31 shall be allowed to continue in the program if sufficient
32 documentation can be shown to demonstrate that the
33 program will lead to employment. Any of the following
34 shall be proof that a program leads to employment:

35 (i) A signed statement that an employer will give the
36 person a job upon program completion.

37 (ii) A list of three employers who have frequent
38 openings in the occupation pursued by the participant at
39 a skill level that can be achieved by the participant



1 through skill training components offered by the
2 program.

3 (iii) A statement from a school district, community
4 college, university, service delivery area, or employment
5 development office stating that the program will lead to
6 employment.

7 (C) If the individual is attending less than full time at
8 the time of appraisal but agrees to full-time attendance as
9 soon as possible, he or she shall be considered to be
10 attending on a full-time basis.

11 (D) A person subject to this subdivision shall
12 participate on a full-time basis and make satisfactory
13 progress in that program according to the standards of the
14 provider.

15 (E) A person may participate on a less than full-time,
16 but not less than half-time, basis if full-time participation
17 is not feasible due to good cause, as defined in Section
18 11328.

19 (2) A person who is so seriously dependent upon
20 alcohol or drugs that work or training is precluded. This
21 paragraph shall not apply in a county that has included
22 the option in subdivision (b) in its county plan.

23 (3) A person who is having an emotional or mental
24 problem that precludes participation.

25 (4) A person who is involved in legal difficulties, such
26 as court-mandated appearances that preclude
27 participation.

28 (5) A person who does not have the legal right to work
29 in the United States.

30 (6) A person who has a severe family crisis.

31 (7) A person who is in good standing in a union that
32 controls referrals and hiring in the occupation.

33 (8) A person who is temporarily laid off from a job with
34 a definite callback date.

35 (9) A person, or a family member, has a medically
36 verified illness.

37 (10) A woman in the first trimester of pregnancy.

38 (11) A person who lacks the necessary child care for
39 children described in paragraph (1) of subdivision (a) of
40 Section 11323.2 or for children described in that



1 paragraph who are not members of the assistance unit, or
2 a person who lacks necessary transportation.

3 (12) A person who is employed for 15 or more hours
4 per week and meets all of the following criteria:

5 (A) The individual is earning at least the state or
6 federal minimum wage, whichever is higher. This
7 requirement shall apply to the net earnings of a
8 self-employed individual, and it shall not apply during the
9 first six months of self-employment or employment
10 compensated by commission.

11 (B) The individual is also participating in activities
12 approved by the county welfare department that are
13 similar to job search, education, or training activities in
14 the program. This requirement may be met by making
15 satisfactory progress while participating in an education
16 or training program to earn a license, certificate, or
17 degree that will lead to employment, if the person is
18 enrolled in the program on at least a half-time basis by the
19 provider's standards. If the county welfare department
20 does not agree that the program will lead to employment,
21 the registrant shall be permitted to continue in the
22 program if sufficient documentation can be shown
23 through the process described in subparagraph (B) of
24 paragraph (1) to demonstrate that the program will lead
25 to employment.

26 (C) The combined hours of employment and
27 participation in other approved activities shall equal at
28 least 30 hours per week.

29 (b) (1) If provided in the county plan approved by
30 the department, the county shall permit participation to
31 be deferred by a person who is seriously dependent upon
32 alcohol or drugs only if the individual participates in, or
33 actively pursues access to, a licensed alcohol or drug
34 treatment program. The county plan shall describe the
35 available treatment programs, including programs
36 providing services that are appropriate to the needs of
37 women with children.

38 (2) Notwithstanding paragraph (1), a person shall not
39 be required to participate in a licensed alcohol or drug



1 treatment program to receive this deferral when any of
2 the following conditions exist:

3 (A) The person is on a waiting list to participate in a
4 program.

5 (B) The necessary child care services are not available.

6 (C) There is no treatment program available that is
7 appropriate to the individual’s needs, as defined by the
8 department in regulations.

9 (3) A person who refuses to pursue the treatment
10 required as a condition for this deferral, and who
11 subsequently fails or refuses to comply with program
12 requirements, shall not have good cause for
13 noncompliance on the basis of his or her drug or alcohol
14 dependence.

15 (c) Participation of an individual who, upon entering
16 GAIN, is attending a self-initiated program that does not
17 meet the approval criteria in paragraph (1) of subdivision
18 (a) or in Section 11325.23 may be deferred in order to
19 permit completion of the program semester, quarter, or
20 increment of not more than six months.

21 (d) The department shall promulgate regulations that
22 specify when the county welfare department shall
23 determine whether an individual meets any of the
24 criteria listed in subdivisions (a), (b), and (c).

25 (e) This section shall not apply to individuals subject
26 to Article 3.5 (commencing with Section 11331), during
27 the time that article is operative.

28 (f) For all other registrants, the county shall develop
29 an employment plan.

30 (g) The county welfare department shall review the
31 deferral for its continuing appropriateness in accordance
32 with the projected length of the deferral, but not less than
33 every 12 months. The participant shall cooperate with the
34 county welfare department and provide information,
35 including written documentation, as required to
36 complete the deferral review.

37 SEC. 16. Section 11325.2 of the Welfare and
38 Institutions Code is repealed.

39 SEC. 17. Section 11325.2 is added to the Welfare and
40 Institutions Code, to read:



1 11325.2. (a) At the time a registrant enters the
2 program, the county shall conduct an appraisal pursuant
3 to regulations adopted by the department. At a
4 minimum, the appraisal shall provide information about
5 the registrant in the following areas:

6 (1) Employment history.

7 (2) Need for basic education services due to a lack of
8 basic literacy or mathematics skills, a high school diploma
9 or its equivalent, or English language skills.

10 (3) Need for a delay in program participation pursuant
11 to Section 11325.

12 (4) Need for supportive services as described in
13 Section 11323.2.

14 (b) The county shall use the information obtained
15 through the appraisal in working with the registrant to
16 establish an employment goal and develop and agree on
17 an employment plan that includes a description of
18 services needed to attain the goal.

19 (c) This section shall not apply to individuals subject
20 to Article 3.5 (commencing with Section 11331) during
21 the time that article is operative.

22 SEC. 18. Section 11325.21 is added to the Welfare and
23 Institutions Code, to read:

24 11325.21. (a) Any individual who enters the program
25 pursuant to this article shall enter into a written contract
26 with the county welfare department.

27 (b) The county shall allow the participant three
28 working days after signing the contract or subsequent
29 amendments to the contract in which to evaluate and
30 request changes to the terms of the contract.

31 (c) The contract shall be written in clear and
32 understandable language, and have a simple and
33 easy-to-read format.

34 (d) The contract shall contain at least all of the
35 following general information:

36 (1) A general description of the program provided for
37 in this article, including available program components
38 and supportive services.

39 (2) A general description of the rights, duties, and
40 responsibilities of program participants, including a list of



1 the exemptions from the required participation under
2 this article, the consequences of a refusal to participate in
3 program components, and criteria for successful
4 completion of the program.

5 (3) A description of the grace period required in
6 paragraph (6) of subdivision (b) of Section 11325.22.

7 (e) The contract shall specify, and shall be amended to
8 reflect changes in, the following:

9 (1) The participant's employment goal, a description
10 of services to be provided in accordance with Sections
11 11322.6, 11322.8, and 11323.1 as needed to attain the goal,
12 and specific requirements for successful completion of
13 assigned activities including required hours of
14 participation.

15 (2) A description of supportive services pursuant to
16 Section 11323.2 that are to be provided as necessary for
17 the participant to complete assigned program activities.

18 (f) Any assignment to a program component shall be
19 reflected in the contract or an amendment to the
20 contract. The county and the recipient shall be bound by
21 the terms of the contract or any amendments thereto.
22 The participant shall maintain satisfactory progress
23 toward the goal of employment through the methods set
24 forth in the contract, and the county shall provide the
25 services specified in the contract, except that the county
26 shall not be bound by the terms of a contract between the
27 participant and another county.

28 (g) Except as provided in Section 11325.6, a
29 participant shall not be placed involuntarily in any other
30 training or education component while waiting to begin
31 participating in an assignment specified in the contract.

32 (h) This section shall not apply to individuals subject
33 to Article 3.5 (commencing with Section 11331) during
34 the time that article is operative.

35 SEC. 19. Section 11325.22 is added to the Welfare and
36 Institutions Code, to read:

37 11325.22. (a) (1) Following the appraisal required
38 by Section 11325.2, all participants except those described
39 in paragraph (2) of this subdivision, shall be assigned to
40 participate for a period of three weeks in job search



1 services. These services may include any of the services
2 described in Section 11322.6 that are appropriate to the
3 participant's needs. The period of job search services may
4 be shortened if the participant and the county agree, in
5 writing in the participant contract, that further services
6 would not be beneficial. The period of job search services
7 may be extended up to the limits specified in subdivision
8 (f) of Section 11322.6 if the county and the participant
9 agree, in writing in the participant contract, that
10 continued job search efforts are likely to lead to
11 employment.

12 (2) The following individuals shall not be required, but
13 may be permitted, to participate in job search services as
14 their first program assignment following appraisal:

15 (A) A person subject to subdivision (d) of Section
16 11310 shall be required to participate in job search
17 services as provided in paragraph (1) upon earning a high
18 school diploma or its equivalent, if she or he has not
19 already taken the option to complete these services as the
20 first program assignment following appraisal.

21 (B) A person who has been determined by the county
22 pursuant to regulations developed by the department to
23 lack the skills or education necessary to succeed in even
24 the most unskilled employment. The individual shall be
25 required to participate in job search services as provided
26 in paragraph (1) when the participant and county agree
27 in writing in the participant contract that sufficient skills
28 and education have been acquired to enable the
29 individual to benefit from those services. This
30 requirement shall not apply to a participant who has
31 already taken the option to complete these services as the
32 first program activity following appraisal.

33 (C) A person who is enrolled in, or attending in good
34 standing, an approved self-initiated program as specified
35 in Section 11325.23.

36 (D) A person who has participated in job search
37 activities under an employment program within the
38 previous six months, if the county determines that
39 another period of job search would not be beneficial.



1 (E) A person who has returned to the county's
2 program under this article within a two-year period, has
3 only participated in appraisal and the services provided
4 in this subdivision, and has held, but not retained, two or
5 more jobs during the two-year period.

6 (F) A person who expresses a desire to be assigned to
7 a basic education activity if the individual lacks a high
8 school diploma or its equivalent and has held, but not
9 retained, two or more jobs during the two-year period
10 prior to appraisal. This person shall be required to
11 participate in job search services as provided in
12 paragraph (1) upon earning a high school diploma or its
13 equivalent, if he or she has not already taken the option
14 to complete these services as the first program
15 assignment following appraisal.

16 (b) (1) Upon the completion of job search services, or
17 a determination that those services are not required in
18 accordance with paragraph (2) of subdivision (a), the
19 participant shall be assigned to one or more of the
20 activities described in Section 11322.8 and 11323.1 as
21 needed to attain his or her employment goal.

22 (2) (A) The assignment to one or more of the
23 program activities as required in paragraph (1) of this
24 subdivision shall be based on the employment plan
25 developed pursuant to an assessment as described in
26 Section 11325.4. The employment plan shall be based, at
27 a minimum, on consideration of the individual's existing
28 education level, employment experience and
29 employment goals, available program resources, and
30 local labor market opportunities.

31 (B) An assessment shall be performed upon
32 completion of job search services or a determination that
33 those services are not required as the first activity. For an
34 assignment to training in business development and
35 self-employment, the assessment shall be performed as
36 required in Section 11323.1.

37 (3) A participant who lacks basic literacy or
38 mathematics skills, a high school diploma or general
39 educational development certificate, or English language
40 skills, shall be assigned to participate in adult basic



1 education as described in subdivision (c) of Section
2 11322.8, as appropriate and necessary for achievement of
3 the individual's employment goal.

4 (4) A participant shall not be assigned to a program
5 component provided in Section 11322.8, excluding
6 activities described in subdivision (c) of Section 11322.8,
7 that exceeds two years or, with respect to classroom
8 education or training, two academic years. The two-year
9 period may be extended, one time only, for a period not
10 to exceed six months if it is reasonable to expect that the
11 component will be completed within the extended
12 period and the individual has been unable to complete
13 the component due to any of the following circumstances:

14 (A) The individual's basic skills needs required more
15 class time than was estimated at the commencement of
16 the component.

17 (B) The school or college did not offer required classes
18 in a sequence that permitted completion of the
19 component program within the prescribed time period.

20 (C) The individual had a personal or family crisis that
21 resulted in the inability to complete the component
22 without the additional six-month period of attendance.

23 (D) The individual worked a minimum of 10 hours per
24 week in employment paying at least the state or federal
25 minimum wage, whichever is greater, for no less than six
26 months while participating in the assigned program.

27 (5) (A) Participation in activities assigned pursuant
28 to this section may be sequential or concurrent. The
29 county may require concurrent participation in the
30 assigned activities if it is appropriate to the participant's
31 abilities, consistent with the participant's employment
32 plan, and the activities can be concurrently scheduled.

33 (B) The combined hours of participation in assigned
34 concurrent activities shall not exceed 32 hours per week
35 for an individual who has primary responsibility for
36 personally providing care to a child under six years of age,
37 or 40 hours per week for any other individual.

38 (6) The participant has 30 days from the beginning of
39 a training or education assignment in which to request a
40 change or reassignment to another component. The



1 county shall grant the participant's request for
2 reassignment if another component is available, or
3 expected to be available within a reasonable period of
4 time, that is consistent with the participant's employment
5 plan. This grace period shall be available only once to
6 each participant.

7 (7) In the case of an individual who is an applicant for
8 aid under this chapter and who is required to register
9 pursuant to this article, mandated activities shall be
10 limited to those necessary to enter into a written contract
11 as specified in Section 11325.21, and to participation in job
12 services as specified in subdivision (a) of this section.

13 (c) Any assignment or change in assignment to a
14 program activity pursuant to this section shall be included
15 in the participant contract, or an amendment to the
16 contract, as required in Section 11325.21.

17 (d) If unsubsidized employment is not obtained upon
18 completion of activities included in the employment
19 plan, including any plan that provides for a self-initiated
20 program as described in Section 11325.23, the participant
21 shall be assigned to job search services for a period not to
22 exceed the limits set in subdivision (f) of Section 11322.6.
23 These services may include any of the services described
24 in Section 11322.6 that the county determines are
25 appropriate to the participant's needs.

26 (e) (1) A participant who has not yet received an
27 assessment and has not obtained unsubsidized
28 employment upon completion of the job search services
29 required in subdivision (d) shall be referred to
30 assessment pursuant to Section 11325.4. Based on the
31 employment plan developed as a result of the assessment,
32 the participant may be assigned to additional program
33 activities in accordance with subdivision (b).

34 (2) A participant who has not obtained unsubsidized
35 employment upon completion of the activities in an
36 employment plan developed pursuant to an assessment
37 and the job search services required by subdivision (d)
38 shall be referred to reappraisal as described in Section
39 11326.



1 (f) Notwithstanding subdivisions (a) to (e), inclusive,
2 the department shall adopt regulations or policies, as
3 required by federal law, that specify the participation
4 requirements with which one parent in a family eligible
5 for aid under this chapter due to the unemployment of
6 the principal wage earner is required to comply.

7 (g) The criteria for successful completion of an
8 assigned education or training activity shall include
9 regular attendance, satisfactory progress, and completion
10 of the assignment. A person who fails or refuses to comply
11 with program requirements for participation in the
12 activities assigned pursuant to this section shall be subject
13 to Sections 11327.4 and 11327.5.

14 (h) This section shall not apply to individuals subject
15 to Article 3.5 (commencing with Section 11331) during
16 the time that article is operative.

17 SEC. 20. Section 11325.23 is added to the Welfare and
18 Institutions Code, to read:

19 11325.23. (a) (1) Any individual who, at the time of
20 appraisal, is enrolled in, or attending in good standing, a
21 self-initiated educational or vocational training program
22 that is likely to lead to unsubsidized employment in an
23 occupation in demand may continue to participate in that
24 program until completion of the program for a period not
25 to exceed two years from the date the contract reflecting
26 the self-initiated program is signed.

27 (2) The individual's program shall be scheduled to be
28 completed within the two-year period. The two-year
29 period may be extended, one time only, for a period not
30 to exceed six months if it is reasonable to expect that the
31 self-initiated program will be completed within the
32 extended period and the individual has been unable to
33 complete the component due to any of the following
34 circumstances:

35 (A) The individual's basic skills needs required more
36 class time than was estimated at the commencement of
37 the program.

38 (B) The school or college did not offer required classes
39 in a sequence that permitted completion of the
40 self-initiated program within the prescribed time period.



1 (C) The individual had a personal or family crisis that
2 resulted in the inability to complete the program without
3 the additional six-month period of attendance.

4 (D) The individual worked a minimum of 10 hours per
5 week in employment paying at least the state or federal
6 minimum wage, whichever is greater, for no less than six
7 months while participating in the assigned program.

8 (b) In order to continue in a self-initiated training or
9 education program, an applicant for, or recipient of, aid
10 under this chapter shall need the education or training in
11 order to become employable in unsubsidized
12 employment. Any individual who meets either of the
13 following criteria shall be deemed to be employable:

14 (1) Possesses a baccalaureate degree.

15 (2) Has the education or job skills necessary to obtain
16 unsubsidized employment in an occupation in demand
17 that will provide the individual with an income at least
18 equal to two times the federal poverty line for the
19 appropriate family size. A county may waive this
20 requirement if an individual is able to demonstrate that,
21 due to compelling personal circumstances, employment
22 in the previous occupation is not realistic including, but
23 not limited to, a work-related disability, inability to obtain
24 required union membership, or hours of employment
25 that cause a severe hardship on the recipient's family.

26 (c) (1) Supportive services reimbursement shall be
27 limited to child care and transportation for any
28 participant in a self-initiated training or education
29 program approved under this subdivision. This
30 reimbursement shall be provided if no other source of
31 funding for those costs is available.

32 (2) Any offset to supportive services payments shall be
33 made in accordance with subdivisions (d) and (e) of
34 Section 11323.4.

35 (d) (1) In order to continue in a self-initiated training
36 or education program, a GAIN participant shall be
37 attending at least full time and shall make satisfactory
38 progress as periodically measured according to the
39 standards of the program in which the individual is
40 enrolled. If the individual is attending less than full time



1 upon entry into GAIN but she or he agrees to full-time
2 attendance as soon as possible, the individual shall be
3 considered to be attending on a full-time basis.

4 (2) A GAIN participant may participate on less than a
5 full-time basis, but not less than on a half-time basis, if
6 full-time participation is not feasible due to good cause as
7 defined in Section 11328.

8 (e) Participation in the self-initiated vocational or
9 educational training program shall be reflected in the
10 contract required by Section 11325.21. The contract shall
11 provide that whenever an individual ceases to participate
12 in, refuses to attend regularly, or does not maintain
13 satisfactory progress in the self-initiated program, the
14 individual shall participate in the program in accordance
15 with Section 11325.22.

16 (f) Any person whose previously approved
17 self-initiated education or training program is
18 interrupted for reasons that meet the good cause criteria
19 specified in Section 11328 may resume participation in
20 the same program if the participant maintained good
21 standing in the program while participating and the
22 self-initiated program continues to meet the approval
23 criteria. The county shall adjust the completion date of
24 the program accounting for the time of absence to allow
25 the participant a cumulative total of two years to
26 complete the program.

27 (g) If the individual has not obtained unsubsidized
28 employment upon completion of the self-initiated
29 program, the individual shall participate in accordance
30 with subdivisions (d) and (e) of Section 11325.22.

31 (h) In the event a county welfare department does not
32 agree that the participant's occupational goal is likely to
33 lead to employment, the participant shall be permitted to
34 continue pursuing that goal if sufficient documentation
35 can be shown to demonstrate that the local labor market
36 provides reasonable opportunities to work in the desired
37 occupation. The county welfare department shall give
38 participants whose self-initiated plan has been denied the
39 chance to demonstrate that the local labor market
40 presents job opportunities in the chosen occupation.



1 Proof that job opportunities exist include, but are not
2 limited to:

3 (1) A signed statement that an employer will give the
4 person a job upon program completion.

5 (2) A list of three employers who have frequent
6 openings in the occupation pursued by the participant
7 and at a skill level that can be achieved by the participant
8 through skill training components offered by the
9 program.

10 (3) A statement from a school district, community
11 college district, service delivery area, or Employment
12 Development Department office identifying the
13 occupation as a demand occupation in the local labor
14 market.

15 (i) Notwithstanding subdivision (a) to (g), inclusive,
16 the department shall adopt regulations or policies, as
17 required by federal law, that specify the participation
18 requirements with which one parent in a family eligible
19 for aid under this chapter due to the unemployment of
20 the principal wage earner is required to comply.

21 (j) This section shall not apply to individuals subject to
22 Article 3.5 (commencing with Section 11331) during the
23 time that article is operative.

24 SEC. 21. Section 11325.25 is added to the Welfare and
25 Institutions Code to read:

26 11325.25. (a) A participant with a suspected learning
27 or medical problem, as indicated by information received
28 during appraisal or assessment or by lack of satisfactory
29 progress in an assigned program component, shall be
30 referred to an evaluation to determine whether the
31 individual is unable to successfully complete or benefit
32 from a current or proposed program assignment. As part
33 of the evaluation, the county may require the individual
34 to undergo the appropriate examinations to obtain
35 information regarding the individual's learning and
36 physical abilities.

37 (b) Based upon the results of the evaluation required
38 by subdivision (a), the county may refer the individual to
39 any of the following components as appropriate:

40 (1) Rereferral to the person's previous activity.



1 (2) Existing special programs that meet specific needs
2 of the individual.

3 (3) Job search services, if the county determines the
4 individual has the skills needed to find a job in the local
5 labor market.

6 (4) Assessment as described in Section 11325.4, or
7 reappraisal as described in Section 11326, and subsequent
8 job search, education, or training activity as appropriate.

9 (5) Rehabilitation assessment and subsequent
10 training.

11 (c) The participant shall be involved in the decisions
12 made during the progress evaluation and shall have
13 appeal rights consistent with those accorded to all
14 program participants.

15 SEC. 22. Section 11325.4 of the Welfare and
16 Institutions Code is amended to read:

17 11325.4. (a) Upon referral to assessment, a
18 participant shall work with the county welfare
19 department to develop and agree on an employment
20 plan on the basis of an assessment of the individual's skills
21 and needs. The assessment shall include at least all of the
22 following:

23 (1) The participant's work history and an inventory of
24 his or her employment skills, knowledge, and abilities.

25 (2) The participant's educational history and present
26 educational competency level.

27 (3) The participant's need for supportive services in
28 order to obtain the greatest benefit from the employment
29 and training services offered under this article.

30 (4) An evaluation of the chances for the achievement
31 of the participant's employment goal given the current
32 skills of the participant and the local labor market
33 conditions.

34 (5) The goal to be attained upon completion of the
35 program, including the period of time it will take to
36 achieve this goal, and the resources available under this
37 program for its achievement.

38 (b) The assessment shall be done by a person qualified
39 by education or experience to provide counseling,
40 guidance, assessment, or career planning. The county



1 may contract with outside parties, including local
2 educational agencies and service delivery areas, to
3 provide the assessment.

4 (c) (1) Notwithstanding the procedures set forth in
5 Chapter 7 (commencing with Section 10950) of Part 2, if
6 the participant and assessor are unable to reach
7 agreement on the employment plan, the matter shall be
8 referred by the county for an independent assessment by
9 an impartial third party with career planning experience.
10 The results of this assessment, which shall be binding
11 upon the county and the participant, shall be used to
12 develop the appropriate employment plan for the
13 participant.

14 (2) No third party assessment under this subdivision
15 shall be made by a party having any financial or other
16 interest in the result of the assessment. The party making
17 the assessment shall be selected by the department
18 according to an unbiased procedure. Remuneration for
19 this assessment shall be made by the department
20 according to a fair fixed fee established by regulations of
21 the department.

22 (d) This section shall not apply to individuals subject
23 to Article 3.5 (commencing with Section 11331) during
24 the time that article is operative.

25 SEC. 23. Section 11325.8 of the Welfare and
26 Institutions Code is repealed.

27 SEC. 24. Section 11326 of the Welfare and Institutions
28 Code is repealed.

29 SEC. 25. Section 11326 is added to the Welfare and
30 Institutions Code, to read:

31 11326. (a) The county shall conduct a reappraisal of
32 any participant who does not obtain unsubsidized
33 employment upon completion of all activities included in
34 a postassessment employment plan developed pursuant
35 to Section 11325.4 and job search services required by
36 subdivision (d) of Section 11325.22. The reappraisal shall
37 evaluate whether there are extenuating circumstances as
38 defined by the department that prevent the participant
39 from obtaining employment within the local labor



1 market area with the education and training previously
2 received.

3 (b) Upon a determination that extenuating
4 circumstances exist, the participant shall be assigned to
5 receive additional services in accordance with
6 subdivision (b) of Section 11325.22 as the county
7 determines to be appropriate and necessary.

8 (c) Upon a determination that no extenuating
9 circumstances exist, and until this determination is
10 reversed, the participant shall only receive the following
11 services:

12 (1) Preemployment preparation or other work
13 experience assignment. The participant shall continue to
14 seek employment during the preemployment
15 preparation or work experience assignment. A county
16 that is operating under a cost reduction plan pursuant to
17 Section 11322.2 may limit the individual's participation in
18 these activities to one year.

19 (2) Job search services as described in Section 11322.6
20 for a period not to exceed eight weeks per year.

21 (d) (1) A preemployment preparation or work
22 experience assignment pursuant to subdivision (c) shall
23 meet the requirements of paragraph (2) if the participant
24 meets all of the following criteria:

25 (A) Is not exempt from participation in the program
26 as specified in Section ~~11310~~ 11320.3.

27 (B) Is unemployed or employed for less than 15 hours
28 per week.

29 (C) Has received aid payments pursuant to Section
30 11450 for 22 out of the last 24 months.

31 (2) An individual who meets the criteria in paragraph
32 (1) shall be required to participate at least 100 hours per
33 month in a preemployment preparation or work
34 experience assignment that is appropriate to his or her
35 skills and abilities. The hours of participation in a
36 preemployment preparation assignment shall exceed 100
37 hours per month if required by paragraph (3) or (4) of
38 subdivision (b) of Section 11322.8. A work experience
39 assignment may be appropriate community service that



1 includes, but is not limited to, volunteer hours in a school,
2 hospital, public library, or park and recreation district.

3 (3) The department shall seek the federal waivers that
4 are necessary to implement this subdivision. This
5 subdivision shall only be operative for the duration of the
6 waivers, as specified in the declaration that federal
7 approval for the waivers has been obtained, which the
8 director shall execute and retain.

9 (e) If an individual fails or refuses to comply without
10 good cause with the requirements of this section, the
11 conciliation provisions of Section 11327.4 and the sanction
12 provisions of Section 11327.5 shall apply.

13 SEC. 26. Section 11326.2 of the Welfare and
14 Institutions Code is repealed.

15 SEC. 27. Section 11326.4 of the Welfare and
16 Institutions Code is repealed.

17 SEC. 28. Section 11326.6 of the Welfare and
18 Institutions Code is repealed.

19 SEC. 29. Section 11326.8 of the Welfare and
20 Institutions Code is repealed.

21 SEC. 30. Section 11327 of the Welfare and Institutions
22 Code is amended to read:

23 11327. Any county which fails to provide services
24 according to its plan approved pursuant to this article
25 shall receive sanctions in accordance with Section 10605.
26 A recipient or a group of recipients may request the
27 director to invoke Section 10605.

28 SEC. 31. Section 11327.4 of the Welfare and
29 Institutions Code is amended to read:

30 11327.4. (a) (1) Whenever an individual has failed
31 or refused to comply with program requirements without
32 good cause in a program component to which he or she
33 is assigned pursuant to this article, and the participant
34 continues to fail or refuse to comply with program
35 requirements after a period of conciliation between the
36 county and the participant, the individual shall be subject
37 to sanctions specified in Section 11327.5.

38 (2) For the purposes of this article, “failing or refusing
39 to comply with program requirements” shall be limited
40 to: failing or refusing to sign a participant contract,



1 participate or provide required proof of satisfactory
2 progress in an assigned program activity, or accept
3 employment; terminating employment; or reducing
4 earnings. For the purposes of this subdivision, assigned
5 program activities include, but are not limited to,
6 orientation, assigned job search, education or training
7 activities, including self-initiated programs pursuant to
8 Section 11325.23, appraisal, and assessment or reappraisal
9 appointments. To the extent required by federal law or
10 regulations, an individual who participates in the GAIN
11 program and subsequently obtains employment of 30
12 hours or more per week and who remains on aid shall be
13 considered to be refusing to comply with program
14 requirements if he or she terminates that employment
15 without good cause.

16 (b) (1) The county shall schedule a time during
17 which each individual who has failed or refused to comply
18 with program requirements has an opportunity to
19 demonstrate that he or she had good cause for that refusal
20 or failure. The county shall schedule an appointment
21 within 10 working days of the discovery of the
22 nonparticipation. The individual shall be allowed to
23 reschedule the cause determination appointment once.
24 This rescheduled appointment shall take place within
25 five working days of the initial appointment, unless
26 delayed by extenuating circumstances. The cause
27 determination process shall not exceed 15 working days
28 from the date of discovery of the nonparticipation, unless
29 delayed by extenuating circumstances.

30 (2) The county shall send a written notice that shall do
31 all of the following:

32 (A) Inform the individual of the date and time of the
33 scheduled appointment.

34 (B) Include a list of the reasons that constitute good
35 cause for not participating in the program.

36 (C) Describe the transportation and child care
37 services that a person is entitled to, as needed in order to
38 attend the appointment.

39 (D) Inform the individual that failure to either attend
40 the cause determination appointment or reschedule this



1 appointment shall result in a cause determination in his
2 or her absence, based on available evidence.

3 (3) Whenever a determination of good cause has been
4 made, the county shall issue a written notice to the
5 individual that reflects this determination.

6 (c) When a county determines that a person failed or
7 refused to meet program requirements without good
8 cause, the county shall notify the individual, in writing, of
9 this determination. Except as provided in subdivision (d),
10 the notice also shall inform the individual that he or she
11 has entered into a 20-calendar-day period of conciliation,
12 during which the county and the individual shall attempt
13 to resolve any problems that are contributing to the
14 failure or refusal to meet program requirements. This
15 notice shall be mailed within five working days of the
16 cause determination, unless delayed by extenuating
17 circumstances. The 20-calendar-day period shall begin on
18 the date the county issues the notice of the beginning of
19 conciliation.

20 (d) (1) If the individual fails to respond to the
21 county's notice for a cause determination meeting and
22 the county determines there was not good cause for the
23 noncompliance, the county shall issue a notice of action.
24 This notice shall inform the individual that a sanction will
25 be imposed if the individual fails to contact the county to
26 establish good cause or ~~schedule a conciliation~~
27 ~~appointment prior to the effective date of the sanction~~
28 *agree on a conciliation plan within 20 calendar days from*
29 *the date the notice of action is issued.*

30 (2) If the individual contacts the county ~~within 10~~
31 ~~calendar days from the issuance of the notice required in~~
32 ~~paragraph (1), a pursuant to the notice of action required~~
33 *in paragraph (1), a 20-calendar-day* period of conciliation
34 shall begin on the date the county issued the notice and
35 shall be conducted as specified in subdivisions (e) to (k),
36 inclusive. If the individual then fulfills the terms of the
37 conciliation plan, an instance of noncompliance shall not
38 be considered to have occurred. If the individual enters
39 into a written conciliation plan but does not fulfill the
40 terms of the plan, and, pursuant to subdivision (i), it is



1 determined that the individual did not have good cause
2 for failure to meet the terms of the plan, the county shall
3 send a notice of action to impose the sanction. As
4 provided in subdivision (f), the conciliation period ~~may~~
5 ~~be terminated~~ *shall be terminated and an instance of*
6 *noncompliance shall not have occurred* upon a reversal
7 of the determination that the individual did not have
8 good cause for noncompliance.

9 (3) If the individual contacts the county and schedules
10 a conciliation appointment, but fails to attend or
11 reschedule the appointment, the county shall contact the
12 individual by phone or in writing, if necessary, to attempt
13 to determine the cause.

14 (4) If the individual fails to contact the county ~~prior to~~
15 ~~the effective date of the sanction~~ *within 20 calendar days,*
16 the sanction shall be imposed in accordance with Section
17 11327.5. *The sanction shall take effect on the first day of*
18 *the first payment month following the end of the*
19 *20-calendar-day period.*

20 (5) If necessary for the implementation of this
21 subdivision, the department shall seek approval for a
22 waiver from the United States Department of Health and
23 Human Services. The subdivision shall be operative for
24 the duration of any necessary waiver, as specified in the
25 declaration that federal approval for the waiver has been
26 obtained, which the director shall execute and retain.

27 (e) The notice that begins the conciliation period as
28 required in subdivision (c) or (d) shall identify the
29 specific act or actions that have caused the individual to
30 be out of compliance with participation requirements
31 under this article, the proposed steps that the registrant
32 may take to resolve the problem, the right to offer a
33 counter-proposed conciliation plan, and the names,
34 telephone numbers, and addresses of the local legal
35 services office and welfare rights office, or the Coalition
36 of California Welfare Rights Organizations if there is no
37 welfare rights or legal aid office in the county, who could
38 assist the individual with conciliation. The notice shall also
39 identify the transportation and child care services
40 available to the individual as needed to attend the



1 conciliation meeting and, except for an individual subject
2 to subdivision (d), the date and time of the conciliation
3 appointment.

4 (f) Any issue that directly affects an individual's failure
5 or refusal to meet program requirements may be
6 discussed during conciliation. This includes providing
7 further information demonstrating the individual had
8 good cause for his or her nonparticipation. The individual
9 also may request a supervisor of employees to review the
10 good cause determination. If, as a result of a supervisor's
11 review, the determination that the individual did not
12 have good cause is reversed, the county shall notify the
13 individual in writing of this reversal and that the
14 conciliation period has been terminated.

15 (g) In conducting conciliation, the county shall
16 schedule a meeting to discuss and resolve those issues
17 preventing the individual from complying with program
18 requirements. The county shall reschedule the meeting
19 once at the request of the individual.

20 (h) When the individual and the county reach
21 agreement on program participation during the
22 conciliation period, a written conciliation plan shall be
23 entered into and signed by the county and the individual.
24 If the individual subsequently fulfills the terms of the
25 conciliation plan, conciliation shall be considered
26 successful. The conciliation plan shall specify that the
27 individual must complete, or participate for three months
28 in, the agreed upon activity or activities, whichever is
29 shorter.

30 (i) If an individual fails to fulfill the terms of the
31 conciliation plan as specified in subdivision (h), the
32 county shall make reasonable efforts during a
33 10-calendar-day period to contact the individual to
34 determine the reason for the failure, and shall maintain
35 written documentation of those efforts. If the county
36 determines, based on information available to it after
37 making a reasonable effort to contact the individual, that
38 the individual did not have good cause for the failure to
39 meet the terms of the conciliation plan, sanctions shall be
40 imposed in accordance with Section 11327.5.



1 (j) The county may shorten the 20-calendar-day
2 conciliation period only if one of the following conditions
3 is met:

4 (1) Both the individual and the county agree, in
5 writing, to terminate conciliation.

6 (2) The determination of no good cause has been
7 reversed.

8 (k) If, at the end of the 20-calendar-day conciliation
9 period, the individual continues to fail or refuse to comply
10 with program requirements, sanctions shall be imposed
11 in accordance with Section 11327.5. An additional
12 10-calendar-day extension of the conciliation period shall
13 be available upon the agreement of the individual and the
14 county only if both of the following conditions are met:

15 (1) The client has made a reasonable effort to
16 conciliate during the initial 20-calendar-day conciliation
17 period and that significant progress has been made
18 toward a resolution to the dispute during that time.

19 (2) The county believes that an additional 10 calendar
20 days of conciliation is likely to lead to agreement between
21 the individual and the county on a conciliation plan.

22 (l) For the purpose of determining the length of the
23 sanction that applies to an individual as described in
24 Section 11327.5, an instance of noncompliance without
25 good cause is considered to have occurred when the
26 county issues a notice of action proposing to impose the
27 sanction.

28 SEC. 32. Section 11327.5 of the Welfare and
29 Institutions Code is amended to read:

30 11327.5. (a) Sanctions shall be imposed in
31 accordance with subdivision (b) or (c), as appropriate, if
32 an individual has failed or refused to comply with
33 program requirements without good cause and
34 conciliation efforts, as described in Section 11327.4, have
35 failed.

36 (b) The sanctions provided for in subdivisions (c) and
37 (d) shall not apply to an individual who is exempt from
38 the requirements of this article but is voluntarily
39 participating in the program. If such an individual is a
40 member of a group that has been given priority for



1 services in accordance with Section 11322.4, and engages
2 in conduct that would bring about the actions provided
3 for in subdivisions (c) and (d), except for his or her status
4 as a voluntary program participant, the individual shall
5 not be given priority so long as other individuals are
6 actively seeking to participate. In the case of any other
7 voluntary program participant who engages in conduct
8 that would bring about the actions provided for in
9 subdivisions (c) and (d), except for his or her status as a
10 voluntary program participant, the individual shall be
11 precluded from participating in the program for a period
12 of six months.

13 (c) Financial sanctions for failing or refusing to
14 comply with program requirements without good cause
15 shall cause a reduction in the family's grant by removing
16 the noncomplying family member from the assistance
17 unit for a period of time specified in subdivision (d).

18 (1) For families that qualify for aid due to
19 unemployment of the family's primary wage earner, the
20 sanctioned parent shall be removed from the assistance
21 unit. Unless the spouse or the family's second parent
22 meets the provisions of subparagraph (A) of paragraph
23 (2), if the sanctioned parent's spouse or the family's
24 second parent is not participating in the program, both
25 the sanctioned parent and the spouse or second parent
26 shall be removed from the assistance unit. The county
27 shall notify the spouse of the noncomplying participant or
28 second parent in writing at the commencement of
29 conciliation of his or her own opportunity to participate
30 and the impact on sanctions of that participation.
31 Notwithstanding Section 11322.4, the sanctioned parent's
32 spouse or the family's second parent shall be provided the
33 opportunity to participate.

34 (2) (A) Except as provided in subparagraph (B),
35 exemption criteria specified in Section ~~11310~~ 11320.3,
36 deferral criteria specified in Section 11325, conciliation
37 specified in Section 11327.4, and good cause criteria
38 specified in Section 11328 shall apply to the sanctioned
39 parent's spouse or the family's second parent.



1 (B) Exemption criteria specified in paragraphs (5)
2 and (6) of subdivision (b) of Section ~~41340~~ 11320.3 do not
3 apply to a spouse or second parent who is participating to
4 avoid the sanction of the noncomplying parent.

5 (C) If the sanctioned parent's spouse or the family's
6 second parent chooses to participate to avoid the
7 noncomplying parent's sanction, subsequently fails or
8 refuses to participate without good cause, and does not
9 conciliate, he or she shall be removed from the assistance
10 unit for a period of time specified in subdivision (d).

11 (D) If the sanctioned parent's spouse or the family's
12 second parent is under his or her own sanction at the time
13 of the first parent's sanction, the spouse or second parent
14 shall not be provided the opportunity to avoid the first
15 parent's sanction until the spouse or second parent's
16 sanction is completed.

17 (3) For families that qualify due to the absence or
18 incapacity of a parent, only the noncomplying parent
19 shall be removed from the assistance unit.

20 (4) If the noncomplying individual is the only
21 dependent child in the family, his or her needs shall not
22 be taken into account in determining the family's need
23 for assistance and the amount of the assistance payment.

24 (5) If the noncomplying individual is one of several
25 dependent children in the family, his or her needs shall
26 not be taken into account in determining the family's
27 need for assistance and the amount of the assistance
28 payment.

29 (d) The length of time that financial sanctions shall
30 reduce a family's grant shall increase in the following
31 manner:

32 (1) The first instance of noncompliance without good
33 cause shall result in a financial sanction. This sanction
34 shall terminate at any point if the noncomplying
35 participant reaches an agreement with the county
36 welfare department in an amended contract or agrees to
37 participate and performs the activity or activities he or
38 she previously refused to perform.

39 (2) The second instance of noncompliance without
40 good cause shall result in a financial sanction for three



1 months or until the noncomplying participant reaches an
2 agreement with the county welfare department or agrees
3 to participate and performs the activity or activities he or
4 she previously refused to perform, whichever is longer.

5 (3) The third and each subsequent instance of
6 noncompliance without good cause shall result in a
7 financial sanction for six months or until the
8 noncomplying participant reaches an agreement with
9 the county welfare department or agrees to participate
10 and performs the activity or activities he or she previously
11 refused to perform, whichever is longer.

12 (e) Sanctions shall become effective on the first day of
13 the first payment-month that the sanctioned individual's
14 needs are removed from aid under this chapter.

15 (f) In the event this section conflicts with federal law,
16 the department shall adopt regulations to conform to
17 federal law.

18 SEC. 33. Section 11327.55 of the Welfare and
19 Institutions Code is repealed.

20 SEC. 34. Section 11327.6 of the Welfare and
21 Institutions Code is amended to read:

22 11327.6. Notwithstanding any other provision of law,
23 any person who is not required to register under this
24 article but who volunteers to participate in the program
25 established by this article and fails to appear for a
26 scheduled appointment prior to entering into the
27 contract shall be deemed to not be subject to the
28 requirements of this article and the conciliation efforts
29 and sanction requirements established under Sections
30 11327.4 and 11327.5 shall not apply.

31 SEC. 35. Section 11327.8 of the Welfare and
32 Institutions Code is amended to read:

33 11327.8. (a) Except as specified in this section,
34 whenever a participant believes that any program
35 requirement or assignment in this program is in violation
36 of his or her contract or is inconsistent with this article,
37 the participant may request a state hearing pursuant to
38 Chapter 7 (commencing with Section 10950) of Part 2 or
39 utilize a formal grievance procedure to be established by



1 the county board of supervisors and specified in each
2 county plan.

3 (b) If the participant is not satisfied with the outcome
4 of the grievance procedure, he or she may appeal the
5 decision in accordance with the procedures set forth in
6 Chapter 7 (commencing with Section 10950) of Part 2.
7 Participants shall be subject to sanctions pending the
8 outcome of the formal grievance procedure or any
9 subsequent appeal, only if they fail to participate during
10 the period the grievance procedure is being processed.
11 However, a participant shall not utilize the grievance
12 procedure to appeal the results of an assessment made
13 pursuant to Section 11325.4.

14 (c) If a participant is not satisfied with the decision of
15 a hearing conducted pursuant to Section 10950
16 concerning on-the-job working conditions, workers'
17 compensation coverage, or wage rates used to calculate
18 preemployment preparation hours of participation, the
19 participant may file a further appeal with the United
20 States Department of Labor, as provided by federal law.

21 SEC. 36. Section 11328 of the Welfare and Institutions
22 Code is amended to read:

23 11328. No sanctions shall be applied for a failure or
24 refusal to comply with program requirements with good
25 cause. Good cause for failure or refusal to comply with
26 program requirements shall include all of the following:

27 (a) An assignment, job referral, or job does not meet
28 appropriate work and training criteria due to any of the
29 following:

30 (1) The employment, offer of employment, activity or
31 other training for employment discriminates in terms of
32 age, sex, race, religion, ethnic origin, or physical or mental
33 handicap.

34 (2) The employment or offer of employment, exceeds
35 the daily or weekly hours of work customary to the
36 occupation.

37 (3) The employment, offer of employment, activity, or
38 other training for employment requires travel to and
39 from the place of employment, activity, or other training
40 and one's home that exceeds a total of two hours in round



1 trip time, exclusive of the time necessary to transport
2 family members to a school or, place providing care, or,
3 when walking is the only available means of
4 transportation, the round trip is more than two miles,
5 exclusive of the mileage necessary to accompany family
6 members to a school or, a place providing care.

7 (4) The employment, offer of employment, activity, or
8 other training for employment involves conditions and
9 specific responsibilities that impair the individual's
10 physical or mental health or are not related to the
11 individual's capability to perform the task on a regular
12 basis.

13 (5) The employment, offer of employment, activity, or
14 other training for employment involves conditions that
15 are in violation of applicable health and safety standards.

16 (6) The employment, offer of employment, or work
17 activity does not provide for worker's compensation
18 insurance.

19 (7) An employment or training program position
20 utilized pursuant to this article may not be created in
21 violation of Section 11324.2, Section 11324.6, or paragraph
22 (6) of subdivision (g) of Section 11322.8, as applicable.

23 (8) The employment, offer of employment, activity, or
24 other training is not within the scope of the employment
25 plan as contained in the contract provided for under this
26 article.

27 (9) Accepting the employment, offer of employment,
28 or work activity would cause the individual to violate the
29 terms of his or her union membership.

30 (10) Accepting the employment, offer of
31 employment, or work activity would cause an
32 interruption in an approved education or job training
33 program in progress, excluding preemployment
34 preparation as described in subdivision (b) of Section
35 11322.8 or other community work experience
36 assignments, or would prevent the individual from
37 returning to his or her regular job within a reasonable
38 time, unless the job offer provides either of the following:



1 (A) Employment and sufficient income to lead to
2 self-support and the job offer is within the scope of the
3 employment plan.

4 (B) Temporary employment while the individual is
5 waiting for reemployment in his or her regular job.

6 (11) The participant is not receiving the supportive
7 services agreed to under the contract entered into
8 pursuant to this article.

9 (12) In addition to good cause as specified in this
10 section, no sanction shall be applied to any participant
11 who is absent or tardy for periods up to 10 percent of the
12 monthly hours required for any component, or the
13 provider's standard. However, this time shall not
14 accumulate.

15 (13) The employment or offer of employment is at a
16 wage level that results in a net loss of income, in
17 accordance with subdivision (k).

18 (14) The employment, offer of employment, or
19 required activity requires the individual to remain away
20 from home overnight without his or her consent.

21 (15) The employment, offer of employment, or
22 required activity exceeds 20 hours per week for parents
23 who are personally providing care for children who are
24 under six years of age.

25 (b) The individual is temporarily physically
26 incapacitated or suffers temporary physical illness.

27 (c) The individual is required to appear in a court
28 proceeding or is incarcerated.

29 (d) The individual is suffering a family crisis or
30 changed individual family circumstance as evidenced, for
31 example, by the death of a spouse, parent, or child or an
32 illness of a spouse, parent, or child which requires the
33 individual's immediate attention.

34 (e) Inclement weather or other act of nature
35 precludes the individual and other persons similarly
36 situated from traveling to an activity.

37 (f) There is a breakdown in transportation
38 arrangements with no ready access to alternate
39 transportation.



1 (g) The individual needs any other necessary social
2 service not specifically mentioned in his or her contract.

3 (h) An individual refuses to accept major medical
4 services even if the refusal precludes participation in the
5 program.

6 (i) Licensed or exempt child care is not reasonably
7 available, or is not reasonably available during the
8 individual's hours of training or employment including
9 commuting time, or arrangements for child care have
10 broken down or have been interrupted, or child care is
11 needed for a child who meets the criteria of paragraph
12 (1) of subdivision (a) of Section 11323.2 but who is not
13 included in the assistance unit. For purposes of this
14 section, "reasonably available" means having at least two
15 choices of child care arrangements. The choices of day
16 care shall meet either licensing requirements or the
17 requirements of Section 11324. This good cause criterion
18 shall include the unavailability of suitable special needs
19 child care for children with identified special needs,
20 including, but not limited to, disabilities or chronic
21 illnesses.

22 (j) An individual is engaged in employment or
23 training that is consistent with the employability
24 objectives of the program, and prior notification and
25 approval from the worker has been received.

26 (k) Net loss of income would occur pursuant to the
27 conditions provided for in this subdivision, if an offer of
28 employment which results in a net income of less than 100
29 percent of a person's grant is accepted. Net loss of income
30 shall be deemed to occur when current income is greater
31 than the postemployment income would be if the job
32 offer were accepted. "Postemployment income" means
33 gross income less necessary work-related expenses as
34 follows: mandatory and legal deductions from the
35 proposed salary, transportation, and child care including
36 the child care share of cost for individuals eligible for
37 transitional child care. Gross income and work-related
38 expenses shall be defined so as to ensure receipt of federal
39 financial participation.



1 For purposes of computing postemployment income,
2 the regional market rate for child care, transportation,
3 and other mandatory work-related expenses shall be
4 used. Regional market rates for child care shall be
5 determined in accordance with the Alternative Payment
6 Program as provided for under Article 3 (commencing
7 with Section 8220) of Chapter 2 of Part 6 of the Education
8 Code.

9 (l) Any other substantial and compelling reason not
10 specified in this section, to be determined at the
11 discretion of the county.

12 SEC. 37. Section 11328.6 of the Welfare and
13 Institutions Code is amended to read:

14 11328.6. (a) All contracts between counties and
15 providers of services under this article, including
16 employers providing preemployment preparation, shall
17 include specific performance criteria. These contracts or
18 agreements shall also include the provision of job
19 placement by the education or service provider and a
20 provider-developed standard, containing quantitative
21 and qualitative measures by which to determine if a
22 participant is making satisfactory progress.

23 (b) These contracts shall provide for termination of
24 the contract at the discretion of the county if the provider
25 either: (1) violates the contract between the county and
26 the participant provided by Section 11325.21, or (2) fails
27 to meet the performance criteria specified in the
28 contract.

29 SEC. 38. Section 11329.7 of the Welfare and
30 Institutions Code is amended to read:

31 11329.7. (a) The Director of Social Services shall
32 authorize the County of Fresno to operate a pilot project
33 pursuant to this section, for a three-year period, but not
34 to extend beyond January 1, 1997. The purpose of the pilot
35 project shall be to test whether requiring recipients of aid
36 under this chapter who work between 15 and 30 hours per
37 week to participate in the GAIN program will increase
38 hours of employment or earnings.

39 (b) (1) At the option of the County of Fresno,
40 individuals who are employed but are not exempt from



1 registration pursuant to paragraph (8) of subdivision (b)
2 of Section ~~11310~~ 11320.3 and who do not have primary
3 responsibility for personally providing care to a child
4 under the age of six years may be required to participate
5 in an appropriate program component as provided in
6 Sections 11322.6 and 11322.8, to the extent that other
7 component activities are available outside the
8 individual's work schedule. Total hours of employment
9 and program participation shall not exceed 30 hours per
10 week. Any individual who, in addition to his or her
11 part-time employment of 15 hours or more per week,
12 attends an education or training program that leads to a
13 degree or certificate shall not be subject to this section.
14 For individuals subject to this section who are employed
15 and participating in a program component activity, the
16 total level of activity shall be considered with regard to
17 applying Sections 11327.4 and 11327.5.

18 (2) The county shall notify the department of its
19 adoption of the option to provide for participation in a
20 program component activity pursuant to this section as
21 part of its county plan required under Sections 11320.6
22 and 11320.8. The county shall implement this section in a
23 manner that does not jeopardize regular or enhanced
24 federal funding.

25 (c) (1) Within six months after the termination of this
26 pilot project, but no later than June 30, 1997, the
27 department, together with the County of Fresno, shall
28 submit an evaluation of the pilot project to the relevant
29 policy and fiscal committees of the Legislature. The
30 director shall determine the standardized data that the
31 county is required to collect for the pilot project.
32 However, the data and the evaluation shall distinguish
33 between AFDC-FG and AFDC-U families.

34 (2) The evaluation shall include, but not be limited to,
35 any increased or decreased hours of work and earnings;
36 the number of families whose increased earnings resulted
37 in loss of AFDC benefits; any increased or decreased cost
38 of supportive services; and any displacement of potential
39 GAIN participants who are members of a target
40 population, as defined in paragraph ~~(3)~~ (2) of subdivision



1 (b) of Section 11322.4, if this information is available and
2 accessible.

3 (3) The director and the County of Fresno shall
4 consult with the United States Department of Health and
5 Human Services and with the contractor designing the
6 evaluation of the pilot project that eliminates the
7 100-hour rule, known as the LINK-UP project, to develop
8 an evaluation design that distinguishes the effects of the
9 LINK-UP project from the pilot project described in this
10 section. If the evaluator determines that the effects of the
11 pilot projects cannot be distinguished from each other,
12 this pilot project shall not be implemented.

13 (d) This section shall become inoperative on June 30,
14 1997, and, as of January 1, 1998, is repealed, unless a later
15 enacted statute, which becomes effective on or before
16 January 1, 1998, deletes or extends the dates on which it
17 becomes inoperative and is repealed.

18 SEC. 39. Section 11330.4 of the Welfare and
19 Institutions Code is amended to read:

20 11330.4. (a) Participant contracts required under
21 Section 11325.21 shall include a detailed education plan.

22 (b) The plan required by this section shall be written
23 by the local school district, and shall meet all of the
24 following requirements:

25 (1) Be developed with the participant in consultation
26 with the county welfare department.

27 (2) Describe the education program that the
28 participant shall be required to follow, including
29 vocational training and preparation that may be available
30 through local education and training agencies.

31 (3) Include courses and services that the school district
32 currently offers to students, including child care, child
33 development and parenting education, homemaking, or
34 other consumer education and life skills courses, and
35 counseling and guidance services, as appropriate for each
36 student.

37 (c) It is the intent of the Legislature that the education
38 plan described in this section not require additional
39 activities from school districts beyond those already



1 required when a student who has dropped out of school
2 indicates a desire to resume attendance.

3 (d) Involvement of the parents of the teenage parent
4 in the development of the education plan should be
5 encouraged, if appropriate.

6 ~~SEC. 40. Article 9.1 (commencing with Section~~
7 ~~11620) is added to Chapter 2 of Part 3 of Division 9 of the~~
8 ~~Welfare and Institutions Code, to read:~~

9

10 ~~Article 9.1. Demonstration Projects~~

11

12 ~~11620. (a) The department shall implement a~~
13 ~~demonstration project to test the impact of providing job~~
14 ~~club or job search activities, or both, to unemployed~~
15 ~~AFDC applicants, except those who are exempt under~~
16 ~~Section 11310, or who are homeless, immediate-need, or~~
17 ~~child-only cases. Applicants who are determined to be~~
18 ~~exempt may participate on a voluntary basis if funds are~~
19 ~~available.~~

20 ~~(b) The department shall develop and adopt~~
21 ~~regulations and procedures for the implementation of~~
22 ~~this section in accordance with applicable federal~~
23 ~~requirements.~~

24 ~~(c) (1) The department shall seek all appropriate~~
25 ~~federal waivers for the implementation of this section.~~

26 ~~(2) The department shall implement this section~~
27 ~~commencing on the date the Director of Social Services~~
28 ~~executes a declaration, that shall be retained by the~~
29 ~~director, stating that the administrative actions required~~
30 ~~by paragraph (1) as a condition of implementation of~~
31 ~~subdivision (a) have been taken by the director and the~~
32 ~~waivers have been obtained from the United States~~
33 ~~Secretary of Health and Human Services.~~

34 ~~11630. (a) The department shall implement a~~
35 ~~demonstration project to provide job club or job search~~
36 ~~activities, or both, to unemployed or underemployed~~
37 ~~noneustodial parents of children who are recipients of aid~~
38 ~~under this chapter. The demonstration project shall test~~
39 ~~the impact of these services on the payment of child~~
40 ~~support by these parents.~~



1 ~~(b) The department shall seek appropriate funding~~
2 ~~sources to support these activities.~~

3 ~~(c) (1) The job club or job search activities, or both,~~
4 ~~shall be available to parents who are paying little or no~~
5 ~~child support due to unemployment or~~
6 ~~underemployment. This includes, but is not limited to,~~
7 ~~parents in cases where there is no order for support, the~~
8 ~~order is that support be deferred, the amount of the order~~
9 ~~for support is zero, or the amount of the order is very low.~~

10 ~~(2) A court in a county participating in this~~
11 ~~demonstration project may require participation in the~~
12 ~~job club or job search activities, or both, by any parent~~
13 ~~who alleges that he or she has little or no ability to pay~~
14 ~~child support due to unemployment or~~
15 ~~underemployment.~~

16 ~~(d) (1) The department shall seek all appropriate~~
17 ~~federal waivers for the implementation of this section.~~

18 ~~(2) The department shall implement this section~~
19 ~~commencing on the date the Director of Social Services~~
20 ~~executes a declaration, that shall be retained by the~~
21 ~~director, stating that the administrative actions required~~
22 ~~by paragraph (1) as a condition of implementation of~~
23 ~~subdivision (a) have been taken by the director and the~~
24 ~~waivers have been obtained from the United States~~
25 ~~Secretary of Health and Human Services.~~

26 ~~SEC. 41.~~

27 ~~SEC. 40.~~ The provisions of this act are severable. If
28 any provision of this act or its application is held invalid,
29 that invalidity shall not affect other provisions or
30 applications that can be given effect without the invalid
31 provision or application.

32 ~~SEC. 42.~~ Notwithstanding Section 17610 of the
33 Government Code, if the Commission on State Mandates
34 determines that this act contains costs mandated by the
35 state, reimbursement to local agencies and school
36 districts for those costs shall be made pursuant to Part 7
37 (commencing with Section 17500) of Division 4 of Title
38 2 of the Government Code. If the statewide cost of the
39 claim for reimbursement does not exceed one million



1 dollars (\$1,000,000), reimbursement shall be made from
2 the State Mandates Claims Fund.

3 Notwithstanding Section 17580 of the Government
4 Code, unless otherwise specified, the provisions of this act
5 shall become operative on the same date that the act
6 takes effect pursuant to the California Constitution.

7 *SEC. 41. No reimbursement is required by this act
8 pursuant to Section 6 of Article XIII B of the California
9 Constitution because this act provides for offsetting
10 savings to local agencies or school districts that result in
11 no net costs to the local agencies or school districts, within
12 the meaning of Section 17556 of the Government Code.*

13 *Notwithstanding Section 17580 of the Government
14 Code, unless otherwise specified, the provisions of this act
15 shall become operative on the same date that the act
16 takes effect pursuant to the California Constitution.*

17 *SEC. 42. This act is an urgency statute necessary for
18 the immediate preservation of the public peace, health,
19 or safety within the meaning of Article IV of the
20 constitution and shall go into immediate effect. The facts
21 constituting the necessity are:*

22 *In order to implement these necessary revisions at the
23 earliest possible time, it is necessary that this act take
24 effect immediately.*

