



# CCWRO Welfare News 2017-04

Coalition of California Welfare Rights Organizations, Inc. (CCWRO)  
1111 Howe Ave. • Suite 150 • Sacramento • CA 95825-8551  
Telephone (916) 736-0616 • Cell (916) 712-0071 • Fax (916) 736-2645

## 2017-2018 CalWORKs Budget FACTS

<b>Total funds available for CalWORKs</b>	<b>7.4 billion</b>
<b>Total appropriated for CalWORKs</b>	<b>5.1 billion</b>
<b>Total redirected from the mouths of CalWORKs children living in deep poverty to nonCalWORKs programs, such as Student Aid Commission, Foster Care Programs, etc.</b>	<b>2.3 billion</b>

**FACT:** While California’s CalWORKs children endure the highest federal supplemental poverty rates in the nation, in 2017-2018 only 69% of the available CalWORKs funds is appropriated for CalWORKs. Today, CalWORKs grant levels are the same as they were in 1998, 28 years ago. This is clear “State child abuse”.

## California’s Welfare-to-Work Fails Recipients

The U.S. economy has made a clear shift from an industrial-based economy to what is called a “knowledge-based economy”. Virtually all jobs paying a family sustaining wage require secondary education. In fact, U.S. employers report that they cannot find an adequate number of qualified applicants for knowledge-based jobs. Yet California’s failed Welfare-to-Work (WtW) still functions as if the industrial-based economy of the previous century still exists. The focus of the WtW program, for which California spends over \$2.2 billion a year, are blue collar, service jobs.

California’s employment programs segregate CalWORKs recipients who are seeking employment from persons not on CalWORKs who also seek employment. The non-CalWORKs recipients can participate in work investment opportunities, training and education programs, while CalWORKs recipients are forced to attend WtW appraisal, job club, and unpaid work duty that are solely designed for the industrial-based economy while some, here and there, are allowed by the county to attend secondary education to attain the tools for the knowledge-based economy jobs and earn wages that would sustain a family.

CalWORKs recipients attending secondary educational institutions to get “knowledge-based” jobs are severely punished by the counties through the WtW sanction. A family of two (2) receiving \$577 a month see their CalWORKs benefits go down to \$350 a month, which is equal to 22% of the federal poverty level.

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## WtW Fails Recipients (cont'd. from page 1)

Why are these families subjected to WtW sanctions? Because they had the audacity to embark upon the path to self-sufficiency by attending college without getting the permission of the county welfare department. The WtW 25 report contains the only information about the WtW program. The latest report for March 2017 reveals that the WtW program sanctions 37% of the unduplicated participants while only 4% found jobs that ended CalWORKs, but did not make them self-sufficient because they are generally still getting public benefits. In March of 2017, there were 67,062 single parents participating in the WtW program. 38,660 persons were being sanctioned – which seems to be the primary purpose of the program given the dismal success rate of the segregationist and out of date WtW program.

### Counties Fleecing the CalWORKs WtW Program

The March 2017 WtW report reveals that many counties have more sanctioned CalWORKs recipients than those participating in a WtW activity. There are major benefits to counties in sanctioning participants. Counties are funded through a “single allocation” system. Single allocation assumes that every registrant for WtW, regardless of actual participation in a WtW activity, costs \$382.37 a month. For example, San Bernardino County has 9,931 CalWORKs recipients being sanctioned while only 8,025 CalWORKs recipients participate in WtW. Yet, San Bernardino continues to receive a single allocation for 17,956 illusive participants. San Bernardino, a huge opponent of welfare fraud, has been overpaid by getting \$382.27 a month per participant for 9,931 participants each month who cost the county zero dollars in that they are not participating in any WtW activity.

The single allocation allows counties to use excess CalWORKs benefits for other purposes. **TABLE #1** shows counties and the number of recipients being sanctioned in the CalWORKs program by having more people in sanction mode.

**TABLE #1 - Sanctions v. Participation**

Counties	Sanctions	Actual Participants
Butte	575	451
Kern	5,364	2,061
Madera	489	92
Mendocino	227	164
Merced	1,340	1,024
San Bernardino	9,931	8,025
San Joaquin	3,297	1,503
Shasta	508	446

## Jones v. Lightbourne Lawsuit DSS & Alameda County Make Bizarre Claims

The Public Law Interest Program and the East Community Law Center on behalf of CalWORKs Welfare-to-Work (WtW) participants sued DSS and Alameda County for failure to restore months to their 48-month clock when the county failed to engage CalWORKs recipients in a WtW activity. There are thousands of CalWORKs beneficiaries who are not engaged but not sanctioned while their 48-month clock is running and the counties are earning \$382.27 a month for each client. The petitioners' claim is that the law gives the counties 90 days to ask CalWORKs recipients to sign a WtW plan. DSS came up with a mind boggling defense – it was the recipients' fault. DSS and Alameda County assert that to “enter into a welfare-to-work plan is a responsibility placed on the recipient...” The county also asserts that Alameda County has no duty to give the recipient a WtW plan – and claims that it is the duty of CalWORKs recipients to sign the plan. DSS and the county rely on the following language:

*“11325.21. (a) Any individual who is required to participate in welfare-to-work activities pursuant to this article shall enter into a written welfare-to-work plan with the county welfare department after assessment as required by subdivision (c) of Section 11320.1, but no more than 90 days after the date that a recipient's eligibility for aid is determined or the date the recipient is required to participate in welfare-to-work activities pursuant to Section 11320.3...” Although the statement does not say the county must offer the plan to the recipient, Welfare and Institutions Code § 11322.6 provides that “The welfare-to-work plan developed by the county welfare department and the participant pursuant to this article shall provide for welfare-to-work activities.”*

According to DSS and Alameda County, a plan can never be developed unless the recipient brings in a WtW plan and asks the county to sign it. It is kind of comical and sad. A court decision is pending.

## County Welfare Department

### Fresno County Sanctions CalWORKs Recipient Who Was Working

- On 6/22/16, Ms. 2016302097 was asked to come to an appointment for WtW appraisal on 7/1/17. The Fresno County representative acknowledges that Ms. 2016302097 told the county she did not attend the 7/1/16 orientation/appraisal because she was working. The county contended that the sanction should be upheld because Ms. 2016302097 did not contact the county to reschedule the appointment. In Fresno County working is not a good reason to miss orientation/appraisal. Furthermore, Fresno County never told Ms. 2016302097 that she had a choice between working or obeying the commands of the welfare department – the commands of the welfare department always supersedes “working”.

### Los Angeles County Unlawfully Denies Transportation

- Ms. 2016315319 got a job in Utah when she was still living in Los Angeles County. She was meeting the federal work participation rates (WPR) and Los Angeles County would have proudly claimed her hours to show that they were meeting the WPR. In addition, her earnings were used as income in computing her monthly CalWORKs benefits. But then Ms. 2016315319 had the audacity to request supportive services. The transportation assistance was from her house to her job in Utah. Given the fact that it would take more than an hour each way, Ms. 2016315319 was entitled to actual mileage. But Los Angeles County was OK with using her hours for the WPR and money to reduce her benefits, but when it came to transportation – no way. Ms. 2016315319 filed for a state hearing. At the hearing the county appeals representative stated “that the County had denied the request for transportation to the work site in Utah for October 2016. The county based its denial on the claimant’s statement to the GAIN social worker that the employer paid her \$75 per day for transportation, room and food. The information was verbally verified by the county worker with the employer in Utah. No evidence was presented that the worker was authorized to contact the employer and tell the employer that he or she has a welfare recipient working for them. There is also this thing called “confidentiality”. The ALJ upheld the County’s denial of transportation without any evidence that the employer actually paid transportation. Moreover, the county alleges that she got \$75 a day for going back and forth to Utah from Los Angeles that covered hotel, food and gasoline.



### Los Angeles County Terminates Transitional Subsidized Employment of a CalWORKs Recipient for Challenging the GAIN Worker Releasing her Social Security Number to the Employer

- On 12/13/16, Ms. 2016354068 filed a request for a state hearing disputing the GAIN worker’s unprofessional conduct of removing her from the Transitional Subsidized Employment (TSE) Program and cancelling her TSE contract. Ms. 2016354068 said that “she filed a request for a state hearing because her GAIN worker assigned her to a job where the employer fired the claimant because she did not feel comfortable shredding “good checks. She said that the GAIN worker attempted to assign her to a new job, but that it would take two weeks for the new employer to check her background via social security number.

Ms. 2016354068 asked her GAIN worker why and how the new employer had the claimant’s social security number to check her background. Ms. 2016354068 testified that she told the GAIN worker that he was wrong for providing the claimant’s prospective new employer with the claimant’s social security number. She told the GAIN worker that he should expressly request the claimant’s social security number from her before he submits the social security number to prospective employers. The claimant testified that she thought that once she asked the GAIN worker why he took her social security number and gave it to the new prospective employer, the GAIN worker removed the claimant from the TSE program. The

### County Welfare Department Client Abuse Report (cont’d. on page 4)

## County Welfare Department Client Abuse Report (cont'd. from pag 3)

claimant testified that she had a GAIN contract to work in the TSE program for eight months, but the GAIN worker removed her from the TSE program and cancelled the contract.

Ms. 2016354068 filed for a state hearing and testified that she wanted the administrative law judge to reprimand the GAIN worker's unprofessional conduct of removing her from the TSE program and cancelling the TSE contract just because she asked the GAIN worker why he gave the new employer her social security number for a background check. The claimant wants the county to put her back in the TSE program. The claimant indicated that the county did not provide her with any written notice explaining why she was removed from the TSE program. The ALJ ORDERED Los Angeles County to reinstate Ms. 2016354068 into the TSE program; continue to provide the claimant with the opportunity to participate in TSE program, as otherwise eligible; and notify the claimant of the county's action in writing.

**Los Angeles County Spends over \$2,000 to collect a \$17.16 WtW supportive services overpayment.** – On 1/19/17, Los Angeles County notified Ms. 2017019071 that she was no longer eligible for CalWORKs as of 2/1/17 and that she received an overpayment of CalWORKs benefits in March 2009 because the claimant was approved for an ancillary payment for supplies and was advanced \$517.16 in GAIN support services. The county further contends the claimant provided a receipt for \$500 for a cosmetology kit but did not provide any additional receipts for the remaining \$17.16 of the ancillary payment issued to the claimant on 3/4/09. The county appeals representative testified that she reviewed the overpayment history and confirmed other than the adjustment of \$500 for the amount of the claimant's payment for the cosmetology kit on 5/7/09, the county has not collected any additional funds on the claimant's CalWORKs overpayment. The county provided documents in support of its contentions.

The ALJ ruled that: "It is found that the claimant received an overpayment of CalWORKs benefits in March in the amount of \$17.16 due to inadvertent household error. The overpayment received by the claimant is based on the issuance of a GAIN ancillary payment in the amount of \$517.16 for supplies. After the claimant was notified by the county that she had an overpayment of CalWORKs benefits in the amount of \$517.16 because she had failed to provide a receipt for the supplies she purchased, the claimant provided a \$500 receipt for a cosmetology kit resulting in the county adjusting the balance of the overpayment to \$17.16. It is further found that the claimant has not

made any payments on the \$17.16 overpayment of CalWORKs benefits since 5/7/09. Therefore, the county may demand repayment of the overpayment in CalWORKs benefits issued to the claimant's assistance unit in the amount of \$17.16 for GAIN supportive services issued to the claimant in March 2009 due to inadvertent household error.

*"42-751.4 Collection of Overpayments  
(a) If the individual is no longer receiving aid under CalWORKs, recovery of overpayments will not be attempted where the outstanding overpayments are less than thirty-five dollars (\$35). Reasonable cost-effective efforts at collection shall be implemented where the overpayment amounts owed are thirty-five dollars (\$35) or more."*

In this case, Los Angeles County imposed an overpayment on an individual who is no longer a recipient of CalWORKs in violation of MPP§ 42-751.4 and cost taxpayers about \$2,000 which is clearly "government taxpayer abuse".

**San Diego County Fails to Pay All Transportation** - Ms. 2017024218 on 2/15/17 received a Notice of Action from San Diego County informing her that the Welfare-to-Work (WtW) Program transportation payment she had requested had been denied because she had already been reimbursed for 344.8 miles at the rate of \$0.54 per mile between December 6 and December 31, 2016 for a total of \$186.19, and her request for 43.1 miles on December 2, 2016 and 43.1 miles on December 5, 2016 was denied because she was not approved for CalWORKs Program benefits on those dates. The claimant filed a request for hearing on 1/20/17 disputing this county determination as well as the denial of reimbursement for the cost of training classes in the amount of \$170 in December 2016. Thanks to ALJ Michael Kanz, San Diego County was ordered to pay the \$170.

## COMING SOON

The CalWORKs 2017-2018 State Budget Gives \$108.9 million to counties and nothing to the CalWORKs families living in deep poverty - State Child Abuse Continues