

## 36. Non-Compliance Process

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### 36.1 Program Requirements

#### 36.1.1 Rule

An aided adult in a CalWORKs Assistance Unit (AU) must participate in Welfare-to-Work (WTW) activities and cooperate with CalWORKs Employment Services (CWES), unless exempt. CWES will assist the client to cooperate and utilize the numerous supportive services available and work with the client to develop a WTW plan. When a client fails or refuses to cooperate with CWES, without good cause, the client will be financially sanctioned or removed from aid, which are defined as the same. [\[Refer to “Non-Compliance Process,” page 36-2\].](#)

Failing or refusing to comply with the minimum program requirements while using the WTW 24-Month Time Clock or not meeting post WTW 24-Month Time Clock federal standards means failing or refusing to:

- Sign a WTW Plan
- Participate in any assigned WTW program activity, including a self-initiated program (SIP)
- Provide required proof of satisfactory progress in any assigned activity, including a SIP
- Accept employment
- Continue employment, or
- Continue employment at the same level of earnings.



**Note:**

Rules for teens are different than for aided adults.

[\[Refer to “WTW 24-Month Time Limit,” page 1-1\]](#) for additional information.]

#### 36.1.2 Documentation

All noncompliance actions must be documented in the **Maintain Case Comments** window in CalWIN. All compliance related notices not generated in CalWIN must be forwarded to the Integrated Document Management (IDM) station for scanning.

### 36.1.3 Time Excluded from 48-Month Time Limit

Any month in which the client is sanctioned and removed from the AU does NOT count towards their 48-month time limit.

## 36.2 Non-Compliance Process

The non-compliance process for clients after exhausting their WTW 24-Month Time Clock is referred to as the post WTW 24-Month Time Clock Removal from Aid Process.

The Removal from Aid Process is identical to the existing CalWORKs sanction process for clients who fail to meet CalWORKs minimum standards while using the WTW 24-Month Time Clock.

Clients who are removed from aid for not meeting post WTW 24-Month Time Clock CalWORKs federal standards must not be referred to as a “sanctioned” client nor should the Post WTW 24-Month Time Clock removal from aid process be referred to as a “sanction process” (although the process is the same, including cause determinations, compliance plans, curing plans, etc.).

### 36.2.1 CalWORKs 2.0

At any point during the Non-Compliance/Removal from Aid Process, the “My Road Map, Potholes & Detours” tool (SCD 2503) is to be reviewed. [\[Refer to Chapter 4, "CalWORKs 2.0," page-5\]](#) for additional information.

### 36.2.2 Participation Problem

When the Employment Counselor (EC) discovers that a client is not participating in his or her WTW activity(ies) or is not meeting CWES program requirements, the county must begin the noncompliance process to determine if the client had good cause for not participating. The EC shall give the individual an opportunity to demonstrate that he or she had good cause for failure or refusal to comply with the program and avoid being removed from cash aid.

Failure to resolve the participation problem will result in the following:

If the individual is . . .	Then . . .
A volunteer,	The individual is disenrolled from CWES activity(ies).
Mandatory,	A financial penalty (sanction) shall be imposed.

**Note:**

To allow time for processing, workers should not initiate non-compliance on the 1st calendar day of a 31-day month, i.e., January, March, May, July, August, October, or December.

**Example:**

A client fails to participate in his/her assigned activity. The EC will initiate noncompliance in the month of August which has 31 calendar days. In this instance, the EC would NOT initiate non-compliance on August 1st, but would initiate non-compliance on August 2nd instead. In the event that CalWIN generates an incorrect month on the notice, workers will need to use the NA 840 and NA 200 forms from the DEBS Forms Library.

When a Auto X or Y Hold is in effect for no SAR 7, the EC must NOT initiate non-compliance until the hold is rescinded. Sending out a NA 840 or NA 845 is considered invalid if the notice is mailed.

### 36.2.3 20-Day Period (20-Day Rule)

A client who is not participating with WTW program requirements has a right to a compliance period that shall not exceed 20-calendar days. This 20 calendar day period to establish good cause is referred to as the 20-day period.

To avoid a sanction, a nonparticipating individual must attend an appointment scheduled by the county, or contact the county by telephone, within 20 days of the date on the NA 840 or NA 845, AND:

- Provide information to the county that leads to a finding of good cause for refusing or failing to comply with program requirements, or
- Agree to a compliance plan to correct the failure or refusal to comply.

Day one (1) of the 20-day period is the day AFTER the NA 840 or NA 845 notice is issued. If the 20th day falls on a Saturday, Sunday, or holiday, the 20th day will be the next working day.

**Example:**

An NA 840/NA 845 is sent on 4/2. The 20-day period would be from 4/3 to 4/22 unless 4/22 falls on a Saturday, Sunday, or holiday.

### 36.2.4 Scheduling the Initial Cause Determination Appointment

A cause determination is the process of establishing whether or not a client had a good reason for failing to comply with CWES program requirements. The initial cause determination/compliance appointment should be scheduled to occur within the first 10 working days of the 20-day period,

following the date of discovery, but no sooner than six (6) working days, from the day that the NA 840 or NA 845 is sent to the nonparticipating individual.

### 36.2.5 “Sanction of Mandatory Participant Notice” (NA 840)

The NA 840 notice initiates the noncompliance process for a mandatory single parent or for one of two parents in a two parent household. It is used to schedule a cause determination appointment for nonparticipating individuals. The NA 840 informs the client that he or she has 20-calendar days, beginning with the day AFTER the NA 840 is issued, to provide good cause information or agree to sign a compliance plan. Otherwise, a sanction will be imposed no earlier than 30 days from the notice date.

The EC shall send the NA 840 or NA 845 within 2-working days from the date of discovery of the refusal or failure to participate. The “Welfare-To-Work 24-Month Time Clock Notice” (WTW 38) must be included as part of the non-compliance process for clients who have signed a CalWORKs federal standards WTW Plan. [Refer to “Plans Scheduled to Meet,” page 1-15] for example.]

If the individual does not follow through with the initial steps of good cause determination, by calling or meeting with the county as specified on the NA 840 or NA 845, this notice also serves as a sanction notice.



#### Note:

The EW is not required to send a separate 10-day discontinuance notice to the client.

### 36.2.6 “Request for Good Cause Determination” (WTW 27)

The WTW 27 informs the client of reasons that may be considered good cause for not participating in WTW activities and must be sent the same day as the NA 840 or NA 845. It does not replace a face-to-face interview or phone interview. A client is not required to return the notice. However, a client may choose to bring the form to the appointment, mail the form to the EC prior to the meeting, or discuss the form with the EC over the telephone.

When a client contacts the EC and returns a completed WTW 27, the EC may request additional information from the client to verify good cause information, if needed.

In cases when an individual returns a WTW 27 but fails to attend the appointment or discuss the problem by telephone, and the worker cannot contact the client by telephone, the EC must make a cause determination based on available information, including information on the WTW 27. If the form does not provide sufficient information for the EC to determine good cause the EC does not need to make any further attempts to contact the individual for additional information.

### 36.2.7 “Suspension of Volunteer/Good Cause/Compliance Notice” (NA 841)

The NA 841 is issued at the time noncompliance is initiated for an exempt volunteer client. An exempt volunteer who does not comply will be returned to exempt status and is not financially sanctioned.

### 36.2.8 CalWIN NONC Process for Volunteers

Exempt volunteers are subject to the non-compliance process. The outcome of the non-compliance process for volunteers differs from mandatory clients in that there is no financial penalty to the volunteer client. Workers must use the non-compliance task manager in CalWIN when exempt volunteer clients are not participating in their assigned activities. The non-compliance process will be applied in same manner whether the activity is inside or outside of the WTW plan.

The Non-Compliance Task Manager allows the user to offer a compliance plan when the activity is non-compliant and no good cause is indicated for a volunteer. The Non-Compliance Task Manager generates the “Notice of Action – Suspension of Volunteer/Good Cause/Compliance Notice” (NA 841) at the “Send NOA” step. If no good cause is given, CalWIN dis-enrolls client from the activity and deregisters client from WTW. It also generates the “Notice of Action –Taking You Out of WTW” (NA 818).

CalWIN will also auto-generate *deregistered* status on the **Registration** window. The Supervisor/Lead will need to delete this entry and also the auto-generated end date on the Registered Volunteer status. The case is then transferred to Exemption Unit to process and ensure Time on Aid (TOA) is updated as appropriate.

When good cause is given to the client, the task manager will be ended by CalWIN.

### 36.2.9 Rescheduling Cause Determination Appointment

The client may reschedule the cause determination appointment at least one time up to the 20th day of the non-compliance process period. Additionally, scheduling must be permitted if the client cannot or did not attend with good cause.

### 36.2.10 “Notice to Second Parent” (WTW 4)

When the EC sends the NA 840 and the WTW 27 to the first non-participating parent, the WTW 4 must be sent to the (second parent). The WTW 4 must be sent in a separate envelope. The notice must be sent to the second parent even if the second parent is participating in CWES. The EC must document the action in the **Maintain Case Comments** window in CalWIN. If the notice is not issued through CalWIN, forward a copy to IDM for scanning under the F8 flap of the first parent who failed to comply with participation requirements.

The WTW 4 notifies the second parent that the county will contact them if he or she is required to begin participating in the program or increase their hours of participation, if already participating. The WTW 4

also informs the second parent that if the first parent is sanctioned, and the second parent does not meet WTW requirements, he or she will also be sanctioned.

**Note:**

If the spouse or second parent is under his or her own sanction, that individual cannot participate until the sanction has been cured. If the second parent is in sanction status, don't send the WTW 4.

### 36.2.11 Supportive Services

Supportive services cannot be withheld in order to obtain verification of the required hours in approved activities or verification of satisfactory progress, including receipt of any attendance verification. If it is determined that a client has failed or refused to comply with any program requirements without good cause, the EC must begin compliance procedures. As part of this process, a Notice of Action must also be sent prior to stopping or reducing supportive services, clearly stating which supportive services are being reduced or discontinued and the reason for the reduction or discontinuance.

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## 36.3 Failure to Show to Appointment

### 36.3.1 Client Fails to Show

If the client fails to show for the appointment or fails to contact the county to establish good cause, the county must attempt to contact the client by telephone at the time of, or after, the appointment to make a cause determination. The client must contact the county by the end of the 20-day period or a sanction will be imposed.

### 36.3.2 “Notice of Failed Telephone Attempt” (SC 1779)

The EC must attempt to contact the individual by telephone at the time of, or after, the noncompliance appointment. The result of the telephone contact and telephone number called must be fully documented in the **Maintain Case Comments** window in CalWIN.

If the telephone contact is unsuccessful, the EC shall send the SC 1779. Send this notice the day after the cause determination and compliance appointment is missed and the individual cannot be contacted by telephone.

**Example 1:** 03/15/07 - “Placed a call to Mr. Smith at 10:45 AM to (408) 123-1234. There was no answer.”

**Example 2:** 03/15/07 - “Placed a call to Mr. Smith at 10:45 AM to (408) 123-1234. Left message on the answering machine for him to call me back by 5:00 PM today.”

This notice reminds individuals who do not attend the cause determination appointment and who cannot be reached by telephone of the following:

- That there is a participation problem
- The 20th day deadline to correct the problem
- The need to contact the county within the 20-day period
- The consequences of the individual’s failure to resolve the dispute by the end of the compliance date (20th day).

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## 36.4 The Compliance Interview

### 36.4.1 Face-to-Face Interview

The compliance interview should be face-to-face. If a face-to-face is not possible, telephone interviews are permitted. If an interview takes place over the telephone, the action shall be documented in the **Maintain Case Comments** window in CalWIN.

### 36.4.2 Rights and Responsibilities

At the interview the EC shall review with the client his or her rights, duties, and responsibilities. The review should include the following:

- Give a general description of the CWES program
- Explain the reasons for noncompliance and the consequences of failure or refusal to participate in the program
- Offer the Learning Disability (LD) screening [[Refer to “Learning Disability Screenings,” page 13-11](#)]
- Explore exemptions
- Explain to the volunteer his or her right to withdraw from participation without loss of cash aid benefits
- Explain what the client needs to do to correct the participation problem.

## 36.5 Establishing Good Cause/No Good Cause

### 36.5.1 Cause Determination

A cause determination is required when the client is not participating with CWES program requirements. A client may have good cause or no good cause. Good cause may result in a temporary excuse from participation in program. [Refer to “Deferred/Good Cause,” page 35-1]

The result of the good cause determination must be documented in the **Maintain Case Comments** window in CalWIN.

### 36.5.2 “Good Cause Determination Guidelines” (WTW 26)

The WTW 26 is a recommended form that provides a list of common good cause reasons for nonparticipation to assist the EC in determining good cause. Other good cause reasons for not participating may be presented to the EC.

### 36.5.3 Good Cause Criteria

An individual may be excused from participation for good cause if he or she qualifies for an exemption [Refer to “Exemptions,” page 2-1]] or meets one of the good cause criteria [Refer to “Deferred/Good Cause,” page 35-1]].



**Note:**

The WTW exemption for providing care to a young child 0-23 months does not automatically resolve non-compliance or cure a WTW sanction (client must request the exemption to become exempt or agree to a curing sanction plan to participate as a mandatory client). The exemption request form is to be mailed to the client at the point of initiating the non-compliance process.

### 36.5.4 Good Cause

If good cause exists the EC shall do the following, as appropriate:

STEP	ACTION
1.	Determine if the problem(s) causing the non-compliance has been resolved and if the individual can resume participation without further interruption.
2.	Identify and arrange for immediate additional supportive services (if needed) that will allow for participation.



STEP	ACTION
3.	Determine with the individual if participation in another activity (within regulations) would be appropriate.
4.	Determine if a temporary postponement of activity participation is appropriate.
5.	Determine if an exemption review is appropriate.
6.	Change or stop supportive services as appropriate.
7.	Issue the NA 840A.

### 36.5.5 “Determination of Good Cause/No Good Cause” (NA 840A)

The NA 840A is used to inform a client who has contacted the county within the 20-day period whether good cause has or has not been granted. It is not used if the client does not contact the county within the 20-day period or submit the WTW 27 form, and the county’s effort to establish good cause over the telephone failed.

### 36.5.6 No Good Cause

If there is a determination of no good cause, then a compliance plan must be signed and agreed to by the client.

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## 36.6 Compliance Plan

### 36.6.1 Correcting the Problem

A client must agree to enter into a compliance plan within the 20-day period, and complete the compliance plan as required when a determination of “No Good” Cause is made. The EC should document in the **Maintain Case Comments** window in CalWIN and have the client sign a compliance plan (WTW 32).

The compliance plan shall specify that the individual must complete the agreed upon activity(ies) which may include, but are not limited to:

- Attending orientation or appraisal activities.
- Signing a Welfare-to-Work Plan (WTW 1, WTW 2)
- Participating in a WTW Activity.

- Accepting a job offer or job referral.
- Participating as necessary to remedy termination of employment or reduction of earnings.

### 36.6.2 “Welfare-to-Work Compliance Plan” (WTW 32)

The WTW 32 must be signed by the client when no good cause is determined indicating that he or she agrees to complete the activities outlined in the compliance plan or a sanction will be imposed. The WTW 32 provides the following:

- Activity participation requirements
- Start and end dates of required participation to avoid a sanction
- Other rights and responsibilities pertaining to compliance

The nonparticipating individual may suggest alternative activities for consideration, if they do not agree with the county’s proposed plan. The EC may include some or all of the client’s suggestions in the compliance plan, as appropriate. This form is only used as part of the noncompliance process and DOES NOT take the place of the WTW 2. However, a new WTW 2 is needed if client is assigned to a different activity.

### 36.6.3 Compliance Plan by Telephone

The county may develop a compliance plan with a client by telephone. If the individual agrees to a compliance plan (WTW 32) over telephone, the EC must take the following steps:

Step	Action
1.	Develops and signs the compliance plan (WTW 32).
2.	Informs the client of his or her requirements (assigned activity, provider location, starting and ending date of participation, etc.).
3.	Forwards a copy to IDM and documents in the <b>Maintain Case Comments</b> window that the plan was completed over the telephone and mailed to the client.
4.	Mails two (2) copies of the plan to the client (one to sign and return and the other to keep for their records), including a self-addressed stamped envelope.  <b>Note:</b> The return date indicated on the form must be at least 10 calendar days from the date the county mails the compliance plan to the client.
5.	Receives the signed WTW 32 from the client and forwards the signed WTW 32 to IDM for scanning.
6.	Documents action taken in the <b>Maintain Case Comments</b> window in CalWIN.

If the client fails to sign and return the compliance plan, postmarked no later than the return date indicated on the WTW 32, or fails to participate as agreed to over the telephone as noted on the WTW 32, the compliance process failed and the client will be sanctioned.

### 36.6.4 Additional Information for Compliance Plan

If the client attends the meeting or calls the worker, as required, and the county requires additional information or time to review the good cause information, or the county is unable to propose a compliance plan during the 20-day period, the county shall not impose a sanction until it concludes NO GOOD CAUSE exists and the recipient fails to agree to enter into a compliance plan.



#### Example:

A client contacts their EC within the 20-day period indicated in the NA 840 sanction notice and presents information regarding good cause that requires additional verification. The worker cannot impose a sanction pending the verification. The client turns in the verification within the time period indicated in writing by the worker, but by the time the worker receives and reviews it, it is beyond the 20-day period. The worker finds no good cause and advises the client that he or she must enter into a compliance plan to avoid a sanction. If the client agrees to enter into a compliance plan, an NA 840A is mailed stating that no good cause was found but because the client agreed to a compliance plan, her aid will not be reduced.

### 36.6.5 Compliance Period

A compliance plan requires program participation in a CWES activity for the duration of the activity or for 60 consecutive calendar days from the date the client begins the activity, whichever is sooner.



#### Example:

A recipient is assigned to a six-month community service program scheduled for December through May. During the first month he missed seven days and was found to have violated the program's attendance requirements without good cause. After receiving the NA 840, the recipient contacts the county within the 20-day compliance period, and agrees to sign a compliance plan. The recipient signs the compliance plan on February 1 and the county reassigns him to the community service program to participate for 60 calendar days, from February 15 through April 17. After the recipient has successfully completed his assignment on April 17, he has met the 60-day compliance requirements, and the instance of noncompliance must not be counted.

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## 36.7 No Contact By the 20th Day

If the client does not keep the appointment for the cause determination interview and has not contacted the EC by the 20th day, the cause determination shall be based on available information, including information on the WTW 27.

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## 36.8 Supervisor Review

### 36.8.1 Right to a Review

The individual shall be informed of the right to request a CalWORKs Employment Services Supervisor review of a determination of no good cause.

### 36.8.2 Reversal of No Good Cause

If the CalWORKs Employment Services Supervisor reverses the “no good cause” determination by the EC, the supervisor will update the Noncompliance Manager to “Good Cause” and documents the following information on the **Maintain Case Comments** window in CalWIN:

- That the initial determination of no good cause has been reversed following supervisor review, and
- That the compliance plan has been terminated, and
- The applicable good cause reason which has led to reversal of the no good cause determination.

### 36.8.3 No Good Cause Upheld

If the CalWORKs Employment Services Supervisor upholds the determination of “no good cause”, the supervisor shall document the following information on the **Maintain Case Comments** window in CalWIN:

- That the initial determination of no good cause by the EC has been upheld by a supervisor, and
- That the individual must comply with the compliance plan agreed upon by the individual and the county.

## 36.9 Successful Compliance Plan

If the client agrees to enter into a compliance plan and subsequently completes it, a sanction will not be imposed.

A client is considered to have complied with program requirements by satisfactorily performing the activity he or she previously refused to perform (or another appropriate activity agreed upon by the county and client), as specified on the compliance plan until whichever happens first:

- Completion of activity, or
- Up to a maximum of 60 calendar days from the date the client begins the activity.



### Example:

A client fails to show up and enroll in a three-month computer training class without good cause. After receiving the NA 840, the client contacts the county on March 1, which is within the 20-day period, and agrees to sign a compliance plan. The previous computer class has closed and the county cannot locate another class, or other appropriate activity, that begins before April 15. For the purpose of compliance, the county will assign the client to a new computer class, or other appropriate activity, from April 15 through June 13 (60 calendar days from the date the activity begins). If the client participates in the assignment through June 13, as required, the county shall not impose a sanction.



### Example:

A client is assigned to a six-month community service program scheduled for December through May. During the first month he missed seven (7) days and was found to have violated the program’s attendance requirements without good cause. After receiving the NA 840, the client contacts the county within the 20-day period, and agrees to sign a compliance plan. The client signs the compliance plan on February 1 and the county reassigns him to the community service program to participate for 60 calendar days, from February 15 through April 17. If the client successfully completed his assignment the county shall not impose a sanction.

### 36.9.1 “Welfare-to-Work Plan Activity Assignment” (WTW 2)

Use the following table to determine if a new “Welfare-to-Work Plan Activity Assignment” (WTW 2) is required:

If the client. . .	Then. . .
Completes the activity on the compliance plan,	A new WTW 2 is required for the next activity.

If the client. . .	Then. . .
Participates 60 days in the activity, per the compliance plan and the activity continues and there are no changes to the activity(ies) on the original WTW 2,	No new WTW 2 is required, unless there are changes. This includes, but is not limited to: <ul style="list-style-type: none"> <li>• Beginning and end dates of the activity.</li> <li>• Days and hours of participation.</li> <li>• Necessary supportive services.</li> <li>• Additional information or services that will assist the client in completing their assignment(s).</li> <li>• A concurrent activity is added.</li> </ul>

### 36.9.2 Subsequent Compliance Problems

After the client has completed the compliance period per the compliance plan, he or she may continue in the same activity as in the compliance period. However, after the compliance period is completed, any subsequent participation problem that occurs after compliance requirements are met, is subject to a new noncompliance process.

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## 36.10 Unsuccessful Compliance Process

### 36.10.1 No Compliance Plan

An individual who has not resolved a participation problem, or has failed to agree to a compliance plan by the end of the 20th day of the compliance process period shall be sanctioned.

### 36.10.2 Failed Compliance Plan

An individual who is unable to meet the conditions of her/his compliance plan (NA 817) will be responsible for notifying the EC immediately.

If an individual does not fulfill the terms of a written compliance plan agreed upon with CWES, and it is determined, based on available information, that the individual did not have good cause for failure to meet the terms of the compliance plan, the county shall impose a sanction.



**Note:**

When the compliance plan is failed, the NA 817 date of sanction cannot be changed to a date prior to the date on the corresponding NA 840.

If a sanction is imposed under the terms of this paragraph, no further compliance procedures are applicable.

### **36.10.3 “Sanction of Participant After Failed Compliance Plan” (NA 817) Notice**

At any time during the compliance process, if a first parent fails to participate in the activity on the compliance plan, without good cause, he or she will be sanctioned. The county must issue a timely NA 817. The NA 817 is used when sanctioning the first parent who has agreed to sign a compliance plan, but then fails to meet the terms of the plan. When completing the NA 817 from the DEBS Form’s Library, include the NA 200 budget form. [Refer to Common-Place Handbook, [“Timely Notice” on page 22-1](#)] for additional information.

### **36.10.4 “Sanction of Second Parent After Failed Compliance Plan” (NA 816)**

The NA 816 is issued timely when sanctioning the second parent who has agreed to sign a compliance plan, then fails to meet the terms of the plan.

### **36.10.5 “Suspension of Volunteer After Failed Compliance Plan” (NA 818) Notice)**

The NA 818 is used when sanctioning an exempt volunteer who has agreed to sign a compliance plan, then fails to meet the terms of the plan.

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## **36.11 Two-Parent Cases**

### **36.11.1 Second Parent Participation Problem**

Once the first parent is sanctioned, the second parent, unless exempt or meeting the good cause criteria, must begin (or increase hours of) participation in the WTW program to avoid his or her own sanction. The second parent **MUST NOT** be exempted for providing care for an ill or incapacitated member of the household or young child, since the first parent is not participating and is available to provide care.

In cases when the second parent complies with participation requirements as required, after receiving the WTW 4, the first parent remains sanctioned. Participation by the second parent does not cure the sanction imposed upon the first parent.

If the second parent refuses to participate, or starts participating but subsequently stops without good cause, he or she is sanctioned. Each parent must cure his or her own sanction by doing what he or she

refused to perform. If each parent was supposed to participate for 35 hours per week, but failed to do so without good cause and was sanctioned, then each parent must meet the 35 hour requirement to cure his or her own sanction.

If the second parent is complying with WTW program requirements after the first parent is sanctioned, and the first parent cures his or her sanction, then one parent may stop (or reduce hours of) participation without being subject to sanction.

Each parent must have:

- Their own non-compliance period established
- A Notice of Action (NA 840 or NA 845) sent advising them of the non-compliance period and a scheduled appointment date.

The spouse or second parent in a two-parent case is not required to participate and will not be sanctioned if he/she:

- Has “Good Cause” for not participating in CalWORKs Employment Services
- Qualifies for an Exemption.



#### Exception:

The spouse or second parent who qualifies for an exemption, cannot avoid participation in CWES when the first parent is sanctioned if his/her exemption is based on any of the following:

- Needed to Care for an Ill or Incapacitated Person Residing in the Home
- Care of a young child (includes all three: 3-month; 6-month; and 0-23 months)

This process will result in parents serving different sanctions. This new policy ensures that each adult removed from the grant due to a CWES non-compliance is serving his/her own sanction.



#### Note:

The WTW exemption for providing care to a young child 0-23 months does not automatically resolve non-compliance or cure a WTW sanction (client must request the exemption to become exempt or agree to a curing sanction plan to participate as a mandatory client). The exemption is to be requested via the CW 2186A.

### 36.11.2 “Removal of the Second Parent’s Needs/Compliance Plan” (NA 845)

The NA 845 is used to initiate the noncompliance for the second parent when non-participation occurs. This NOA is issued AFTER the first parent is financially sanctioned when the second parent fails to come in to increase their hours of participation or sign a WTW Plan to start an activity.



The NA 845 provides the same information to the second parent that the NA 840 provides to the first parent. However, the NA 845 also informs the second parent about how the first parent can restore his or her aid.

## 36.12 Teens

### 36.12.1 Un-Emancipated Teen

If an un-emancipated teenage parent (age 16 or 17) is living with his or her parent(s) or legal guardian, that parent or guardian may attend any cause determination or compliance meetings held with the teenager.

### 36.12.2 Teen Notice (SC 1780)

The SC 1780 must be sent to the parent(s) of the unemancipated 16 or 17 year old when the NA 840 or NA 845 is issued to inform them of the participation problem and the cause determination process.

## 36.13 Exemptions

An instance of noncompliance is not applicable if the county determines that the individual was exempt at the time he or she noncomplied with WTW program requirements.

### 36.13.1 Exemption Prior to Sanction

In cases where a EC receives appropriate verification of an exemption that occurred prior to the implementation of a sanction, that sanction is not counted. The sanction is rescinded and the exemption effective date is effective back to the effective date of the sanction.

The table below outlines the steps for processing exemption request in this type of situation:

Stage	Who	Action
1.	Client	Brings verification to the EC of the exemption.
2.	EC	<ul style="list-style-type: none"> <li>Reviews the documentation on the CW 61</li> <li>Documents the date that the client will be exempt on the <b>Maintain Case Comments</b> window in CalWIN</li> </ul>
3.	CWES Supervisor	<ul style="list-style-type: none"> <li>Makes entries in CalWIN to rescind the sanction</li> <li>Notifies the EW via email to run exemptions</li> </ul>
4.	EW	Runs exemptions.

**Example:**

Effective 3/1/07, a client is sanctioned. On 5/15/07, the client provides verification to her EW that she has had a disability preventing her from participating in CWES since 1/20/07. Since the client had an exemption prior to the implementation of the sanction, the EW must rescind the sanction and restore aid to the client effective 3/1/07.

If the EC receives appropriate verification of an exemption before the sanction takes effect, the EC will give good cause and document in the **Maintain Case Comments** window of CalWIN. The effective date of the exemption will be the first of the following month after verification is received.

### 36.13.2 Exemption While Serving a Sanction

A client who becomes exempt while serving a sanction **MUST** provide the EC with a CW 61 or other doctor's statement before cash aid is restored. The sanction will count. Cash aid will be restored the first of the month following the receipt of the verification.

The table below outlines the steps for processing exemption request in this type of situation:

Stage	Who	Action
1.	Client	Brings verification of exemption to the EC.
2.	EC	<ul style="list-style-type: none"> <li>Reviews documentation and CW 61.</li> <li>Documents the date the client will be exempt on the <b>Maintain Case Comments</b> window in CalWIN.</li> </ul>
3.	CWES Supervisor	<ul style="list-style-type: none"> <li>Makes entries in CalWIN to cure the sanction.</li> <li>Notifies the EW via email to run exemptions.</li> </ul>
4.	EW	Runs exemptions.

**Note:**

When a client contacts the EW to lift a sanction, the EW can lift a sanction if the client becomes exempt while serving a sanction. However, before lifting the sanction, the EW must notify the EC so that the EC can enter the Curing Sanction Status on the [Registration] tab of the **Maintain Employment Services Participation** window before lifting.

### 36.13.3 Request For Retroactive Disability Exemption

The table below outlines the steps for processing a request for a retroactive disability exemption for curing a WTW Sanction:

Steps	Who	Action						
1.	Client	Brings verification of disability exemption to the EC.						
2.	EC	<ul style="list-style-type: none"> <li>Reviews documentation including the CW 61.</li> <li>Performs case review that includes the following questions:</li> </ul>						
		<b>Question 1:</b> During the WTW sanction period, did the client work and/or participate in WTW activities for 20/30/35 hours per week?						
		<ul style="list-style-type: none"> <li>If Yes, client is not eligible for a retroactive disability exemption.</li> <li>If No, continue to next question.</li> </ul>						
		<b>Question 2:</b> Was a disability exemption previously requested by client?						
		<ul style="list-style-type: none"> <li>If Yes and County failed to act on request and/or issue CW 61, client is eligible for a retroactive exemption.</li> <li>If No, question client as to why.</li> <li>If there are no extenuating circumstances, client is not eligible for retroactive exemption.</li> </ul>						
		<b>Question 3:</b> Was client given CW 61 and time frame for returning form?						
		<ul style="list-style-type: none"> <li>If Yes and client did not return form, go to question 4 .</li> <li>If No, county failed to act on request, client is eligible for retroactive exemption.</li> </ul>						
		<b>Question 4:</b> Were there circumstances beyond the client's control for not returning the CW 61?						
		<ul style="list-style-type: none"> <li>If Yes, and verification is provided, client is eligible for retroactive exemption?</li> <li>If No, client is not eligible for a retroactive disability exemption.</li> </ul>						
		<table border="1"> <thead> <tr> <th>If Retroactive Exemption is...</th> <th>Then EC...</th> </tr> </thead> <tbody> <tr> <td>Approved,</td> <td> <ul style="list-style-type: none"> <li>Documents the date the client will be exempt on the <b>Maintain Case Comments</b> window in CalWIN.</li> <li>Forwards case to EC Supervisor for review.</li> </ul> </td> </tr> <tr> <td>Not Approved,</td> <td> <ul style="list-style-type: none"> <li>Documents why the request for a retroactive disability exemption is denied on the <b>Maintain Case Comments</b> window in CalWIN.</li> <li>Process disability exemption for current month and future.</li> <li>Sends to EC Supervisor for review</li> </ul> </td> </tr> </tbody> </table>	If Retroactive Exemption is...	Then EC...	Approved,	<ul style="list-style-type: none"> <li>Documents the date the client will be exempt on the <b>Maintain Case Comments</b> window in CalWIN.</li> <li>Forwards case to EC Supervisor for review.</li> </ul>	Not Approved,	<ul style="list-style-type: none"> <li>Documents why the request for a retroactive disability exemption is denied on the <b>Maintain Case Comments</b> window in CalWIN.</li> <li>Process disability exemption for current month and future.</li> <li>Sends to EC Supervisor for review</li> </ul>
If Retroactive Exemption is...	Then EC...							
Approved,	<ul style="list-style-type: none"> <li>Documents the date the client will be exempt on the <b>Maintain Case Comments</b> window in CalWIN.</li> <li>Forwards case to EC Supervisor for review.</li> </ul>							
Not Approved,	<ul style="list-style-type: none"> <li>Documents why the request for a retroactive disability exemption is denied on the <b>Maintain Case Comments</b> window in CalWIN.</li> <li>Process disability exemption for current month and future.</li> <li>Sends to EC Supervisor for review</li> </ul>							
3.	EC							

Steps	Who	Action
4.	CWES Supervisor	<ul style="list-style-type: none"> <li>• Makes entries in CalWIN to cure the sanction.</li> <li>• Notifies the EW via email to run EDBC/Exemptions.</li> <li>• Forwards case to the Centralized Exemptions Unit to process exemption.</li> </ul> <p><b>Note:</b> Once the sanction has been lifted the supervisor will follow the process for the implementation of the medical exemption through the Centralized Exemptions Bank and the AG9 Unit Exemption Team. All CWES exemptions are processed by the Exemption team.</p>
5.	EW	<ul style="list-style-type: none"> <li>• Runs EDBC/Exemptions.</li> <li>• Issues supplemental CalWORKs payments for retroactive months.</li> </ul>

[Refer to “Tracking Medical Exemptions and Exempt Cases Not Known to CWES,” page 2-10]] for tracking of medical exemptions.

### Example 1:

On October 1, Ms. Smith informs the County that she has become ill and is unable to participate in WTW activities. The County sends Ms. Smith the CW 2186A and CW 61. On October 12, Ms. Smith submits a doctor’s note to the County which states she has a disability that impairs her ability to work or participate in WTW activities, and that she is now working with her doctor to create a plan to treat her condition. The worker then asks Ms. Smith to request from her doctor the expected

time period the disability will last, or to sign a release for the County to request this information directly from the doctor. She chooses to sign a release. There is a delay by the doctor’s office in returning the requested verification to the County. On December 15, the County is able to verify that the condition is expected to last for the next six months.

The County grants the exemption and adds months back to Ms. Smith’s CalWORKs 48-month time limit and if applicable, WTW 24-Month Time Clock retroactively up to October (October, November and December would be “un-ticked”).



### Note:

If granting of the disability exemption results in the client no longer being sanctioned and being added back to the Assistance Unit (AU), months that were not counted towards the client’s WTW 24-Month Time Clock and CalWORKs 48-month time limit due to sanction, remain uncounted due to the disability exemption.

### Example 2:

Ms. Johnson has been sanctioned since June 1, due to failing to participate in Supervised Job Search. On November 15, Ms. Johnson brings in a note from her psychologist stating that she is suffering from a condition that impairs her ability to participate in WTW activities. The psychologist also states that

he/she began treating Ms. Johnson as a patient on October 5, and expects that he/she will continue treating Ms. Johnson for at least six more months.

Ms. Johnson is granted a disability exemption retroactively back to October. The client is not entitled to retroactive payments prior to October because she did not provide verification that she actively sought treatment for her illness prior to October.

**Note:**

No Time On Aid (TOA) adjustments are necessary because the client was sanctioned and while in sanction status, time does not count towards the WTW 24-Month Time Clock or CalWORKs 48-month time limit.

**Example 3:**

Mr. Smith has a prior sanction beginning February 1, 2010 that was cured May 31, 2013. On June 17, 2014, Mr. Smith submits the CW 2186A and the CW 61 indicating that he has been ill for several years and is unable to continue participating in WTW activities. The CW 61 indicates his disability onset date of January 2, 2007. The EC reviews the case as of January 2007 to determine if a retroactive exemption is appropriate. During the review, the EC finds

documentation that the client was given a CW 61 in 2007, 2009 and during non-compliance in 2010 and was given appropriate time to submit the form to the county. The doctor completed the form on June 15, 2014 and the client did not provide the form until June 17, 2014. Since verification was never submitted prior to June 17, 2014 and client did not notify his worker of delays in obtaining verification, the exemption is applied beginning June 2014. This situation does not demonstrate that the delay was beyond the client's control.

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## 36.14 Financial Sanctions

### 36.14.1 Sanction Rule

A financial sanction must be applied when a mandatory (nonexempt) CWES client fails or refuses to comply with CWES program requirements, without good cause, and:

- Compliance efforts have failed, or
- The individual has not fulfilled the terms of the written compliance plan that he or she agreed to complete.

To avoid a sanction, the client must agree to enter into a compliance plan within the 20-day period and subsequently complete the plan as required. A sanction will result in a reduction to the family's grant by removing the non-complying individual from the AU until the client contacts the county to cure the sanction and meets the requirements to cure.



**Reminder:**

A volunteer who is not in compliance with CWES is exempt from the program.

**36.14.2 Sanction Period**

There is no minimum sanction period to cure financial sanctions. A client who is financially sanctioned may contact the county and request to cure his or her sanction, at any time, regardless of the number of times they are sanctioned.

**36.14.3 Time Excluded from 48-Month Limit**

Any month in which a client is under a sanction and removed from the AU shall not be counted as a month of receipt of aid in determining the 48-month time limit.

**36.14.4 Sanction Effective Date**

The sanction is effective on the first day of the month following discontinuance from cash aid. The discontinuance of cash aid is effective the first day of the first payment month that the sanctioned individual’s needs are removed from the grant following timely and adequate notification.



**Exception:**

When an individual meets CWES program requirements prior to the effective discontinuance date, the financial sanction is not imposed. [\[Refer to “Stopping a Sanction Before Financial Penalty,” page 36-30\]](#)

**36.14.5 Determining Who to Sanction**

During the sanction period, aid must be discontinued for the individual, depending upon the relationship of the non-complying individual to the AU.

If the individual who failed or refused to participate is...	Then...
A mandatory participant,	Discontinue the mandatory participant. The aided spouse or other parent is not sanctioned until they have gone through their own non-compliance period.
A volunteer,	Exempt the individual as appropriate.

The spouse or second parent in a two-parent case shall NOT be sanctioned along with the CalWORKs Employment Services registrant until he/she has gone through their own non-compliance process and is subsequently removed from the AU on their own sanction.

### 36.15 Implementing a WTW Sanction

The following table describes the steps for implementing a WTW sanction when the client fails or refuses to comply with WTW program requirements.

STEP	WHO	ACTION
1.	EC	<ul style="list-style-type: none"> <li>• Updates the Non-Compliance Manager in CalWIN.</li> <li>• Submits the sanction request review to the Supervisor at the end of the 20-day period or when the client fails to comply with the agreed to WTW compliance plan.</li> </ul>
2.	CWES Supervisor	<ul style="list-style-type: none"> <li>• Reviews the case in CalWIN and IDM.</li> <li>• If any of the following applies, then ends the Non-Compliance Manager with Good Cause (GC) and updates case comments:                             <ul style="list-style-type: none"> <li>- CalWORKs Program is discontinued, other than failure to submit SAR 7</li> <li>- Exemption eligible</li> <li>- 48-Month Clock Timed Out</li> <li>- Currently FTE and employment is verified</li> <li>- Supportive Services not assigned and/or issued</li> <li>- Non-Compliance NOAs/forms were not issued or are not correct (including 2nd parent notices)</li> <li>- NonCompliance process not processed correctly</li> <li>- Sanction request was not submitted timely.</li> </ul> </li> <li>• If the sanction is appropriate, follows CalWIN On-line User Manual (OLUM):                             <ul style="list-style-type: none"> <li>- Implements the WTW sanction by completing the <b>Collect Sanction/POI/Penalty Detail</b> window drop down value in CalWIN (for Post WTW 24-Month clients, use "WTW 24-Month Time Limit Exceeded" drop-down value from <b>Collect Sanction/POI/Penalty</b> window.</li> <li>- Enters case comments</li> <li>- Ends the current registration and adds "Sanction" status on the <b>Registration</b> window in CalWIN (for post 24 months, use "WTW Timed Out")</li> <li>- Sends an email to the EW and EW Supervisor (or to the EW Information Supervisor if the case is unassigned) on the same day the entries are made, but no later than one (1) working day informing them of a sanction and to request that the EW run EDBC and authorize, as appropriate. The EC must be copied on the email.</li> </ul> <p><b>Example Email:</b>                              WTW sanction implemented 4/1/07 for (Client Name, SSN, and CalWIN Case #). Client failed to participate the required hours in an assigned WTW activity (Supervised Job Search). FS eligibility may need to be reviewed. If the sanction fails, please run EDBC, complete the Capture Discrepancy Information window, and authorize the case.</p> </li> </ul>
3.	Eligibility Worker	<ul style="list-style-type: none"> <li>• Reviews for FS eligibility.</li> <li>• Runs EDBC, completes the <b>Capture Discrepancy Information</b> window and authorizes the case, if the sanction failed.</li> <li>• Notifies CWES Supervisor via email that the case is authorized.</li> </ul>

STEP	WHO	ACTION	
4.	EC	Takes following steps:	
		If...	Then...
		Sanction review request is approved,	<ul style="list-style-type: none"> <li>• Ends activity status with “Sanction”.</li> <li>• Ends all active Plans</li> <li>• Submits case for closing.</li> </ul>
Sanction review request is not approved,	<ul style="list-style-type: none"> <li>• Updates activity status with the appropriate status.</li> <li>• Takes appropriate steps to schedule the client back to their WTW activity.</li> </ul>		

### 36.15.1 Aid Paid Pending

If a client appeals his or her sanction by filing a State Hearing, the sanction may NOT be imposed until a hearing decision sustaining the county’s decision is issued. While the hearing decision is pending, the county must continue to pay cash aid and child care, as long as the individual is otherwise eligible.

If...	Then...
The county’s hearing decision is sustained,	<ul style="list-style-type: none"> <li>• Cash aid is discontinued effective the end of the payment month in which the hearing decision is received.</li> <li>• Cash aid that was paid is NOT an overpayment.</li> </ul>
The hearing decision is in favor of the client,	<ul style="list-style-type: none"> <li>• The county must reimburse the client for any necessary transportation and/or ancillary expenses that the client paid out of pocket or was obligated to pay during the time the hearing was pending.</li> </ul>



**Note:**

Individuals who are discontinued from aid due to a sanction are considered to be former CalWORKs recipients. Under the child care policies, former recipients who are eligible for, and need, child care to work or participate in other activities may receive subsidized child care for up to 24 months after they leave cash aid.

### 36.15.2 Verifying Implementation of Sanction

Once the sanction entries are entered into CalWIN by the CWES Supervisor for a sanction to take effect, the EW is notified. It is important that EWs review the CalWIN entries made by the CWES Supervisors to verify that the results are correct, and take appropriate CalWIN action if necessary.



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## 36.16 Vendor Payment

Parents or caretaker relatives who have been sanctioned for at least three consecutive months will have their CalWORKs grant issued via a Vendor Payment (VP) to the landlord and/or Electronic Benefit Transfer (EBT) to a Designated Alternate Cardholder (DAC).

The CalWORKs grant is issued via VP/DAC until the adult(s) is no longer subject to the WTW sanction. Once the client is eligible for an exemption or has cured their sanction, the VP/DAC is terminated and the grant is issued directly to the client.

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## 36.17 Curing a Sanction

### 36.17.1 Curing Rules

A sanctioned client can come in to stop a sanction at any time. The requirements to cure a financial sanction are the same regardless of whether it is before or after the sanction is imposed.

### 36.17.2 Curing when Meeting TANF Federal WPR

A CalWORKs individual who is in Welfare-to-Work (WTW) sanction status and discovered, either during the monthly federal WPR sample review or during any other time, to be meeting federal WPR, the sanction is to be automatically cured; and aid is to be restored the first of the following month following the month in which it was discovered WPR is being met. For the purpose of this Update, the provision to be assigned to the previous activity from where client became sanctioned, or to complete the 30-day curing period or end of activity, whichever is sooner, does not apply.

**Note:**

Distance Learning only, for the federal WPR sample month, would not be considered as an activity that the client would be scheduled to meet outside of the sample month; and is therefore not an allowable activity for the purpose of the automatic lift. Allowable activities include employment and school.

When the sanction is lifted, the client can sign a WTW Plan while in the office or the WTW Plan can be mailed to client with instructions to return signed plan, along with any supporting verification, such as employment verification.

### 36.17.3 Curing Period

There is no minimum sanction period for a client to come in and cure a financial sanction; however, before cash aid can be restored, individuals must satisfactorily participate in the activity(ies) specified on the WTW 29 until completed, or up to a maximum of 30 calendar days, whichever is shorter.

### 36.17.4 “Plan to Meet Welfare to Work Rules and Get My Cash Aid Back” (WTW 29)

The WTW 29 must be signed by the client to indicate that they agree to complete the activities as described in the Plan to Meet WTW Work and Get My Cash Aid Back, otherwise cash aid will not be increased. The WTW 29 can be completed in person or by mail. This form is used to inform clients of:

- Their rights and responsibilities pertaining to the plan,
- The activity they must perform to be able to receive aid again,
- The dates that the activity begins and ends, and
- The date that aid will be restored once the requirements have been met.

The curing period begins the date the client signs the WTW 29 in a face-to-face meeting or the date the county informed the individual by telephone (informing date) about the specifics of his or her curing plan. In CalWIN **Maintain Employment Plan**, [Plan] tab *Plan Start Date* field, enter date client signed WTW 29.



#### Note:

The WTW 29 does NOT replace the “Welfare-to-Work Plan Activity Assignment” (WTW 2). A new WTW 2 must be signed and a WTW Plan entered into CalWIN to reflect the activity(ies) that will continue once the sanction is lifted.

### 36.17.5 “Request to Meet Welfare to Work Rules to Get My Cash Aid Back” (WTW 31) and Contact Date

The WTW 31 instructs clients on the steps to get cash aid back, have aid restored, and begin participating in WTW activities again. The EC will mail a WTW 31 with the “Would You Like to Have Your Cash Aid Back” flyer (SCD 194). The WTW 31 will also be made available in district office lobbies.

Clients can also make a verbal request to cure a sanction to have their cash aid restored. The worker must document any verbal requests made by a client who wishes to have their cash aid restored. It is essential to document the date of the verbal request since this date controls when aid is restored once the client has successfully completed their Plan to Meet Welfare to Work Rules.

### 36.17.6 Scheduling Curing Plan Appointment

Once the client contacts the county, the county must schedule an appointment to meet with the individual to discuss and sign the Plan to Meet Welfare to Work Rules within 10 calendar days of:

- The date the client speaks with the county to inform them of his or her wish to get their cash aid back or
- The receipt date of the completed WTW 31 form.

### 36.17.7 Plan to Meet Welfare to Work Rules and Get My Cash Aid Back (WTW 29)

When a client contacts the county to request their cash aid, the client **MUST** sign the WTW 29 indicating that he or she agrees to complete the activities on the “plan” before cash aid is restored.

If the activity lasts longer than 30 calendar days, the individual is considered to have met program requirements, after participating for up to 30 calendar days from the date that the plan is signed.



#### Example:

A client failed to participate in a three-month community service assignment. To cure, she would normally be scheduled to participate for 30 days of community service from the date she signed her plan; however, the county is not able to place the individual in the community service activity until ten days after she signs her plan. She is, therefore, only required to participate for 20 calendar days to get her cash aid back.

### 36.17.8 WTW 29 By Phone

When a client is determined to have NO GOOD CAUSE for not participating in WTW activities, the cash aid is lowered. In these instances, a WTW 29 may be completed by telephone. If the individual agrees to a plan over the telephone, the EC must take the following steps:

Step	Action
1.	Develop the WTW 29 by telephone.
2.	Inform the client of his or her requirements (assigned activity, provider location, starting and ending date of participation, etc.). Note: The date on which the county informed the client about the specifics of his/her plan by telephone (informing date) is considered the date that the client signs the plan for purposes of beginning the maximum 30-calendar day curing period.
3.	Document in CalWIN.
4.	Forward a copy of the WTW 29 to IDM to be scanned.

Step	Action
5.	<p>Mails two (2) copies of the WTW 29 to the client (one to sign and return and the other to keep for their records), including a self-addressed stamped envelope.</p> <p><b>Note:</b></p> <p>The client must sign and return the plan to the county, postmarked no later than the date indicated on the WTW 29 (10 calendar days from the “informing date” noted above) and participate as instructed by the county over the telephone and/or as noted on the WTW 29, or the cash aid remains lowered until he or she recontacts the county to start and complete the curing process.</p>
6.	Receive the signed WTW 29 from the client.
7.	Update CalWIN to “curing sanction status” and documents action taken in the <b>Maintain Case Comments</b> window.
8.	Forward a copy of the signed WTW 29 to IDM for scanning.
9.	Monitor that the client participates until the end of the activity or the 30 day maximum.



### Example:

A client contacts the county on July 15 and wishes to cure her sanction. The client does not live close to the county office and wants to discuss the curing requirements over the telephone and have the plan mailed. The worker locates an appropriate activity for the individual on July 20 and contacts her on July 21, within the 10-calendar day time frame, to communicate the details of the activity as well as mail the curing plan.

The client receives the curing plan on July 23, and signs, dates, and returns the plan to the county on July 25, within the return period noted in the signature section of the curing plan. Her activity also begins July 25 and she would normally be required to participate in the activity 30 calendar days. Because she cannot be required to participate longer than 30 calendar days from the sign date of the curing plan (in this case, the informing date of July 21), she can only be required to participate until August 19 (a total of 26 days).

If the client fails to sign and return the curing plan, postmarked no later than the return date indicated on the WTW 29, or fails to participate as agreed to over the telephone as noted on the WTW 29, the curing process failed and the client will remain sanctioned.

### 36.17.9 Activity Assignment for Plan to Meet WTW Rules and Get Cash Aid Back (WTW 29)

Use the charts below to assign an activity as part of the Plan to Meet Welfare to Work Rules and Get My Cash Aid Back (WTW 29):

If . . .	Then . . .
The activity that the client originally failed is no longer available or appropriate,	The EC can specify another activity; however, the county cannot assign an activity for a longer period of time than the length of the original activity that brought about the lowering of cash aid (sanction). (Refer to example below)



**Example:**

A sanction was imposed on a client who failed to attend the Assessment activity. She contacts the EC after being off of cash aid for a few months and indicates she wishes to cure her sanction. The client indicates that she wishes to find a job as soon as possible and wants to attend Supervised Job Search. The county may assign the individual to Supervised Job Search. In addition to the WTW 29, the county must develop a WTW 2 for the entire Supervised Job Search period. For purposes of curing, she is only required to attend Supervised Job Search for up to 30 days from the date she signed the WTW 29.

If she completes the 30 day curing period as required, her aid will be restored effective the first of the month following the date she contacted the county about curing her sanction. Although her sanction has been lifted, she will still need to continue participating the full duration of Supervised Job Search. If, however, she fails to attend during the 30-day curing period, without good cause, her sanction will continue until she contacts the county again to start and complete the curing process. If she does cure, then fails to participate again, the good cause/compliance/sanction process begins again.

If . . .	Then . . .
CWES cannot provide the original activity or another activity within the 30 calendar day period of signing the curing plan (WTW 29),	The client is considered to have cured the sanction as of the date of the EC's determination. (Refer to example below)



**Example:**

A client's curing plan specifies that she must attend an assessment activity in order to comply with program requirements and have aid restored. The county determines it cannot schedule an assessment until 35 calendar days after the signing of the curing plan. At the point the county

makes that determination, the individual is considered to have cured her sanction. To comply with program requirements and avoid a new instance of noncompliance, the individual must then participate in an assessment, as assigned in writing. Except for individuals who are approved self-initiated programs, or who are working for sufficient hours to meet their work participation requirement prior to assessment, clients cannot be assigned to post-assessment activities until he or she goes through the CalWORKs assessment process.

### 36.17.10 Supportive Services During Curing

Supportive services must be provided as necessary, including advance payments, to clients who are participating in activities to cure a sanction. If the county cannot provide these services, the individual has good cause for not participating in the activities to cure a sanction and shall be considered as having cured the sanction at the time the county determines it cannot provide the supportive services. If a client initiates the curing process after a sanction is imposed, cash aid is restored the first day of the month following the date the individual contacts the county to indicate he or she wants to cure.



#### Example:

The county wishes to assign a client to a 30-day community service assignment to cure her sanction. The individual requires child care in order to participate. The county confirms that no child care is currently available and no openings are anticipated within 30 days from the sign date of the curing plan. Because the necessary child care is not available, the individual is considered to have cured her sanction and aid shall be restored, effective the first of the month following the date she notifies her worker of her intent to cure.

### 36.17.11 Stopping a Sanction Before Financial Penalty

Although a client can come in to cure a sanction at any time, an instance of noncompliance must be counted even if the individual corrects his or her participation problem after the 20-day period has passed, but before the sanction begins. When an individual did not agree to sign a compliance plan within the 20-day period, he or she must meet the requirements to cure a sanction even if the participation problem can be corrected prior to imposing the financial sanction. The client is required to sign the WTW 29.

The following table outlines the steps to take when a client comes in to cure a sanction after the 20-day period, but before the financial penalty is imposed.

If...	Then. . .
<p>A sanction has been recorded in CalWIN and a client contacts the EC to cure the sanction before a financial penalty is imposed and the activity in the curing period can be completed before the effective date of the penalty (e.g. Orientation, or completion of short term activity),</p>	<ul style="list-style-type: none"> <li>• The client will be placed in a Curing Sanction status in CalWIN and must be allowed to cure the sanction by completing the activity even though it is before the effective date of the financial sanction.</li> <li>• When the client successfully completes the activity, the CWES Supervisor End Dates the sanction with the Begin Date of the Sanction on the <b>Collect Sanction/POI/Penalty Detail</b> window in CalWIN</li> <li>• No financial penalty is applied and there is no loss to the client’s cash grant.</li> </ul>
<p>A client contacts the EC to cure a sanction before a financial penalty is imposed, and the “curing period” results in the client having to perform in an activity for a period that extends past the discontinuance date of the NA 840 or NA 845 notice,</p>	<ul style="list-style-type: none"> <li>• The client must be allowed to cure the sanction.</li> <li>• The sanction takes effect based on the discontinuance date on the NA 840 or NA 845 notice resulting in a loss to the client’s cash grant.</li> <li>• When the client successfully completes the curing process the CWES Supervisor End Dates the sanction with the Begin Date of the Sanction on the Collect Sanction/POI/Penalty Detail window in CalWIN.</li> <li>• Cash aid is restored back to the first of the month following the date the client contacted the county to cure the sanction. (EDBC must be run back to the Effective Begin Date of the sanction with the Evaluate Benefit Discrepancy (Y/N) flag set to Y for all months.)</li> </ul>

### 36.17.12 Stopping a Sanction After a Financial Penalty

Use the following table to determine who will take the steps to cure a financial sanction after it is implemented and the client shows or contacts CWES district office staff.

If the CWES case...	Then the...
<p>Is still in the EC’s number and the client contacts the EC,</p>	<ul style="list-style-type: none"> <li>• EC will conduct the ORE/Appraisal and make the appropriate CalWIN entries</li> <li>• CWES Supervisor makes entries to lift the sanction in CalWIN.</li> </ul>
<p>Is closed and the client can attend a CWES orientation on that same day or during regular business hours, <b>Note:</b> The CWES O.D. checks the Senter Road schedule to inform clients of available orientations.</p>	<p>Client is referred for a CWES orientation at the appropriate CWES office.</p>
<p>Is closed and the client cannot attend a CWES orientation or the CWES office cannot accommodate the client on that same day,</p>	<p>Client is referred to the next agreed upon CWES orientation.</p>

**Note:**

North and South county clients are to be referred to North and South county offices.

\*If client is determined to be from North or South, CWES O.D. calls the District office to determine the next available orientation.

### 36.17.13 Successful Curing Plan

A client who completes the assignment as outlined on the WTW 29 will have their cash aid restored effective the first of the month following the date they contacted the county to cure the sanction. [Refer to “Restoration of Cash Aid,” page 36-32]]

### 36.17.14 Unsuccessful Curing Plan

If a client who has been sanctioned contacts the county to initiate curing and subsequently fails at any point to meet the curing requirements, without good cause, the sanction must continue until he or she contacts the county again to restart and complete the curing process. In this instance, the date the individual recontacts the county is the date in which the individual is considered starting the curing process.

**Example:**

A client contacts the county on April 1, after the sanction is imposed, and indicates that she wishes to cure her sanction. On April 5, the individual is scheduled to sign a curing plan but fails to show; her sanction therefore continues. On April 11, she again contacts the county to indicate she wishes to cure her sanction. She subsequently meets with her worker and signs her curing plan on April 17, assigning her to participate in community service beginning in April. She successfully completes her curing requirements on May 17 (30 days after signing her curing plan) and her sanction is lifted and cash aid is restored back to May 1, since she complied with all of the curing requirements after she recontacted the county on this date.

### 36.17.15 Restoration of Cash Aid

In cases when a client contacts the county to start the curing process after removed from cash aid, and the individual successfully completes the curing process as reflected on the WTW 29, cash aid is restored the first day of the month following the date that the individual contacted the county to indicate his or her desire to cure the sanction.



**Example:**

A client who was sanctioned for failing to attend orientation contacts the county on July 14 and indicates he wishes to cure his sanction. The client signs his curing plan on July 17, attends orientation on July 23 as required by his plan, and cures his sanction. On August 1, his cash aid is restored.

**Example:**

A client contacts the county on July 14 and indicates she wishes to cure her sanction. The individual signs her curing plan on July 17, which specifies that she must participate in two (2) weeks of job search/club beginning on July 23. She successfully completes Supervised Job Search on August 5, and cures her sanction. The client's cash aid is restored back to August 1.

**Note:**

When an Inter-County Transfer (ICT) is received from another county, prior to having cash aid restored, the sanctioned individual must comply with CWES requirements.

