

54. CalWORKs Employment Services Program

It is the intent of the CalWORKs Employment Services (CWES) Program to provide employment and training services as needed to all adult CalWORKs recipients in order for them to reach self-sufficiency.

54.1 CalWORKs Employment Services Participation Requirements and Exemption Policy [EAS 42-711]

Santa Clara County is committed to meeting the Federal Work Participation Rate (WPR) and assisting CalWORKs clients in becoming self-sufficient. In order to aid in these efforts, Eligibility Workers (EWs) and CalWORKs Employment Services (CWES) Workers must make every effort to encourage exempt clients to volunteer and take advantage of the many services that CWES offers.

An individual may not be required to participate in a welfare-to-work activity if they qualify for an exemption. The Eligibility Worker (EW) determines whether or not an individual is exempt from CalWORKs Employment Services (CWES) registration.

The CWES Worker may request that the EW review for an exemption when information is disclosed that suggests the individual may meet one of the exemption criteria.

The EW must determine whether an individual is:

- Required to participate in Welfare-to-Work (WTW) activities,
- Required to participate in Cal Learn, or
- Exempt from participation.

All persons must either be participating in or exempt from WTW activities. To determine where an individual must be referred, use the following chart:

STATUS OF INDIVIDUAL...	REFER TO...
All eligible CalWORKs recipients, unless exempt.	CWES
The Principal Earner (PE) who is ineligible only because he/she has not been unemployed for four weeks (28 calendar days).	CWES
An essential person who must participate in order to be included in the AU.	CWES
A teen parent, defined as a pregnant or custodial teen parent under the age of 19 (or 20, if appropriate) who has not received a high school diploma or the equivalent (regardless of whether this teen parent is considered a child or an adult in the AU). The Cal Learn Program is described in complete detail in the Cal Learn section. [Refer to “Cal Learn [EAS 42-762],” page 57-1].	Cal Learn

A client can request an exemption at any time by the following means:

- A “Semi-Annual Report” (SAR 7),
- A “Mid-Period Status Report” (SAR 3),
- A “Statement of Facts for Cash Aid and Food Stamps” (SAWS 2),
- A “CalWORKs & WTW Time Limit Exemption Request” (CW 2186A), or
- A verbal request (which must be documented by the worker).



Reminder:

The “CalWORKs & Welfare-to-Work Determination” (CW 2186B) **MUST** be sent in all instances that a client requests an exemption, whether the exemption is approved or denied.

54.1.1 Volunteers

A volunteer is a CalWORKs recipient who is exempt from CWES registration, but who volunteers to participate.

54.1.2 Exemption Review Date

The month and year the exemption expires **MUST** be verified and documented. When the exemption expires, the client must provide a new verification for any new exemptions or another verification if the exemption still applies. If the client is no longer exempt from CWES participation, the EW will register the client with Employment Services.

54.2 Exemption Based on Age under 16 [42-712.41]

54.2.1 Under Age 16

All children under the age of 16 (unless pregnant or a custodial teen parent themselves) are exempt from the registration requirement.

54.2.2 Verification

This exemption is verified by any document which verifies the age of the individual. This includes items such as a birth certificate, baptismal certificate, etc.

54.2.3 Cal Learn

This exemption does not apply to a pregnant or custodial teen parent. If a child under age 16 is a pregnant or custodial teen parent who does not have their high school diploma or its equivalent, that child must cooperate with the Cal Learn Program, unless otherwise exempt. [Refer to “Cal Learn [EAS 42-762],” page 57-1] for an explanation of the Cal Learn program.]

54.2.4 Review

This exemption must be reviewed 30 days prior to the child's 16th birthday, and at the annual redetermination (RD).

54.3 Exemption Based on School Attendance [42-712.42]

54.3.1 Age 16-18 in School Full-Time

A child 16, 17, or 18 years of age who is enrolled in grade 12 or below, or vocational or technical school on a full-time basis is exempt from the registration requirement (unless pregnant or a custodial teen parent). Full-time basis means that the person is currently enrolled in a full-time program, as defined by the school.



Note:

A child who is 16 or 17 years old or a custodial parent under 20 years old and who loses this exemption CANNOT requalify for this exemption by attending school as a required CWES activity.

A dependent child 16 or 17 years of age who has obtained a high school diploma or its equivalent, and is enrolled or planning to enroll in a post secondary educational, vocational, or technical school training program is exempt from WTW participation.

The teen is deemed to be planning to enroll if they or their parent (on their behalf) submits a written statement expressing their intent to enroll in such a program for the following term. Unless verification is provided by the recipient or obtained by the county, the exemption from participation will not continue beyond the beginning of the following term.

54.3.2 Verification

Any document verifying age plus any document from the school which verifies enrollment in a full-time program is used to document this exemption. This includes the form “School Enrollment Verification” (SC 441), letters, report cards, and notes to the student from the school.

54.3.3 Cal Learn

This exemption does not apply to a pregnant or custodial teen parent. A 16 - 20 year old who is enrolled in school and is a pregnant or custodial teen parent, must cooperate with the Cal Learn Program, unless otherwise exempt. [Refer to “Cal Learn [EAS 42-762],” page 57-1] for an explanation of the Cal Learn program.]

54.3.4 Review

This exemption must be reviewed 30 days prior to the recipient's 18th and/or 19th birthday, at RD, and at the beginning or shortly after the beginning of the school term.

54.4 Exemption Based on Age 60 or Older [EAS 42-712.43]

54.4.1 Age 60 or Older

An individual 60 years of age or older is exempt from the registration requirement.



Note:

As a means to assist the county in meeting the Federal Work Participation Rates (WPR), individuals who are between 60 to 65 years of age may participate as volunteers in Welfare-to-Work (WTW) activities. Staff must make every effort to encourage these individuals to take advantage of the CalWORKs Employment Services (CWES) services available to them.

54.4.2 Verification

This can be verified by a birth certificate or any other document which verifies the age of the individual.

54.4.3 Review

This exemption does not require a review after age has been verified.

54.5 Exemption Based on Disability [EAS 42-712.44]

54.5.1 Disabled

An individual, who has a disability that is expected to last at least 30 calendar days that significantly impairs his or her ability to be regularly employed or participate in welfare-to-work activities, is exempt from participation in welfare-to-work activities (WTW). This exemption is a time on aid exemption. To qualify for this exemption the individual shall:

1. Provide verification from a licensed practitioner of:
 - The disability,
 - The expected duration of the disability, and
 - The extent to which the disability impairs employment and/or participation in self-sufficiency activities;

AND

2. Is actively seek appropriate medical treatment.



Note:

A disability exemption based upon postpartum recovery is only available if the client has complications with the delivery, i.e. a cesarean, etc. If the client experiences a normal delivery, the client must be given the appropriate “care of a child” exemption. A disability exemption based upon postpartum recovery is not available to a Cal Learn pregnant or custodial teen parent.

If a client cannot participate the full 20/30/35 hours per week because of a disability, he/she is exempt. There are no partial exemptions.

54.5.2 Definition of Doctor/Health Care Professional

Per CDSS, a doctor is defined as a health care professional who is licensed by a state to diagnose/treat physical and mental impairments that can affect an individual's ability to work or participate in WTW activities. A licensed health care professional includes, but is not limited to:

- Doctors of medicine, osteopathy, chiropractic and
- Licensed/certified psychologists.

**Note:**

A staff member for a doctor/health care professional who has access to the patient's medical records may also complete the medical verification information.

54.5.3 Verification

A disability exemption may be verified by any of the following:

- An award letter or written notice from Social Security is acceptable verification for this exemption when the receipt of RSDI or SSI/SSP is based upon the disability of the individual, or
- An award letter or other written notice of the receipt of DIB or Worker's Compensation are acceptable verification for the period covered by the benefit, or
- A statement from the treating physician of the delivery date, the postpartum complications, and the anticipated recovery date (not applicable for Cal Learn teen parent(s), or
- A written statement from a doctor/health care professional or by a member of the staff who has access to the patient's medical records. The medical statement must include all of the following:
 - Identification of the disability,
 - Onset date of the disability,
 - The expected duration of the disability,
 - The date of the next follow-up appointment or examination, if the disability is not considered permanent,
 - The extent to which the disability impairs employment and/or participation in the self-sufficiency activities,
 - The doctor's name, address, and phone number, or
- A statement that the individual has a physical or mental condition which by itself or in conjunction with age, prevents the individual from participating in self-sufficiency activities, or
- A completed "Authorization to Release Medical Information" (CW 61).

**Reminder:**

The individual must be actively seeking appropriate medical treatment to qualify for the disability exemption.



Note:

The effective begin date of a disability is determined by the onset date of the condition as determined by a doctor or health care professional.

54.5.4 Disability Exemption Request

Requesting a disability exemption is a single process which can be done either verbally or in writing. The request can occur at application, on a Semi-Annual Report (SAR 7, Question #13), or as an informal written or verbal report to the Eligibility Worker (EW) or CalWORKs Employment Services (CWES) worker.

If the client...	Then the worker must...
<p>Informs the worker that a disability exists that impairs his/her ability to be regularly employed or participate in WTW activities,</p>	<ul style="list-style-type: none"> • Document the situation in CalWIN, • Explain to the client the types of medical verifications that are required to process the request, and • Provide the client with the “CalWORKs Exemption Request Form” (CW 2186A), “Authorization to Release Medical Information” (CW 61), and the “Physical Capabilities” and/or “Mental Capabilities” (CW 61A or CW 61B) as appropriate to have completed by the client’s physician, and • Review the verification once it has been received, and • Process exemption request appropriately.



Note:

If the request is for a retroactive exemption and there is a current sanction, the EW shall email the assigned CWES EC to notify.

[“Exemptions,” page 36-17 CWES Handbook for more information.]



Reminder:

A client may provide other verification of the disability as long as it meets the qualification for acceptable verification.

[“Verification,” page 54-2 CWs Handbook for more information.]

54.5.5 Cal Learn

A pregnant or custodial teen parent who is disabled, unless disabled due to postpartum recovery, may be exempt from Cal Learn. This determination is made by Adolescent Family Life Program (AFLP). Refer this individual to the Cal Learn program. [Refer to “Cal Learn [EAS 42-762],” page 57-1] for an explanation of the Cal Learn program.]

54.5.6 Review

The EW must use the following chart to determine when the disability conditions must be reviewed.

IF the disability...	AND...	THEN...
Is considered permanent,	Is expected to last more than one year,	Review at the annual RD.
Is not considered permanent,	The medical verification indicates an expected duration of the condition and a follow-up appointment is indicated (either in the past or future),	Review when: <ul style="list-style-type: none"> • The condition is to end, • There is reason to believe there has been a change, or • The annual RD is due.
Is not considered permanent,	The medical verification indicates an expected duration of the condition but no follow-up appointment,	<ul style="list-style-type: none"> • Refer the client back to their doctor by providing a new CW 61 with a deadline to provide. • If the client fails to provide medical verification from their doctor, review to see if the individual meets the criteria for any other exemption. • If no exemption criteria is met, then the client is required to be registered with CWES.

54.6 Exemption Based on a Needy Nonparent Relative Caring for a Child Who is a Dependent/Ward of the Court or a Child at Risk of Placement in Foster Care, or is the Legally Appointed Guardian of a Child who Receives Kin-GAP Assistance [EAS 42-712.45]

54.6.1 Cares for a Dependent/Ward of the Court or a Child at Risk of Placement in Foster Care, or is the Legally Appointed Guardian of a Child who Receives Kin-GAP Assistance

A needy nonparent caretaker relative is exempt from the registration requirement when the caretaker has primary responsibility for a child who:

- Is a dependent or ward of the court,
- Is determined to be at risk of placement in Foster Care, or
- Is a Kin-GAP recipient and the relative caregiver is the legally appointed guardian.

To qualify for this exemption it must be determined that the caretaking responsibilities:

- Are beyond those considered normal day-to-day parenting responsibilities, and
- Impair the caretaker relative's ability to be regularly employed or to participate in self-sufficiency activities.



Note:

If a client cannot participate the full 32 hours per week CWES requirement because he/she must care for a child in the above category, he/she is exempt. There are no partial exemptions.

54.6.2 Verification

Written verification must be obtained from the Social Worker/Domestic Violence Advocate and filed in the case that shows that the child is:

- A dependent or ward of the court, or
- At risk of being placed in Foster Care.
- Receiving Kin-GAP and the relative caregiver is the legally appointed guardian.

The EW must document on the Case Comments window, the condition or circumstance that makes the caretaking responsibilities beyond those considered normal day-to-day parenting responsibilities, and

how these caretaking responsibilities interfere with the caretaker's ability to be regularly employed or to participate in self-sufficiency activities.

This exemption is not available if the client is employed 32 hours or more per week.

54.6.3 Cal Learn

This exemption, nonparent relative caring for a child who is a dependent/ward of the court or a child at risk of placement in Foster Care, or legal guardian of a Kin-GAP child does not apply to a pregnant or custodial teen parent. [Refer to "Cal Learn [EAS 42-762]," page 57-1] for an explanation of the Cal Learn program.]

54.6.4 Review

This exemption must be reviewed at the earliest of the following:

- At RD, or
- When the circumstance is expected to end, if the duration is expected to be less than one year, or
- When the EW believes there has been a change in the client's circumstances which would affect the exemption.

54.7 Exemption Based on the Need to Care for an Ill or Incapacitated Person Residing in the Home. [EAS 42-712.46]

54.7.1 Cares for Ill or Incapacitated Person in the Home

A caretaker is exempt from the registration requirement when the caretaker is:

- Required to be in the home to care for an ill or incapacitated person residing in the home, and
- The caretaking responsibilities significantly impair the caretaker's ability to be regularly employed or to participate in self-sufficiency activities, and
- Employed less than 32/35 hours per week.



Note:

If the caretaker is receiving income from In Home Supportive Services (IHSS) for the part-time or full-time care of this ill or incapacitated person residing in their home, the caretaker is still considered exempt from CWES registration.

If a client cannot participate the full 32/35 hours per week CWES requirement because he/she must care for an incapacitated individual, he/she is exempt. There are no partial exemptions.

54.7.2 Verification

This exemption is verified by a written statement from a doctor verifying that the individual is physically or mentally impaired and someone is needed in the home to provide care. The written verification may be either a statement provided by the client and signed by the doctor and/or a licensed or certified psychologist. The written verification must include:

- The doctor's name, address and the phone number,
- A description of the disability,
- The expected duration of the disability, and
- The extent to which the disability requires someone to be in the home to care for him or her.

If an extension is requested on a previously completed CW 61 that has expired or if the person is not under a doctor's care and this is the initial request, refer the client to for a County Health Evaluation. [Refer to "Review of Incapacity [1-430.3]," page 11-7]]



Note:

When the family member is severely disabled and requiring compliance with CHERP would pose an undue hardship on the client, the EW may consult with his/her Supervisor. The Supervisor has the discretion to exempt a client from CHERP and continue accepting the verification from the individual's doctor.

54.7.3 Cal Learn

This exemption, required in the home to care for an ill or incapacitated person residing in the home, does not apply to a pregnant or custodial teen parent. [Refer to "Cal Learn [EAS 42-762]," page 57-1] for an explanation of the Cal Learn program.]

54.7.4 Review

This exemption must be reviewed:

- At RD, or
- When the individual's condition is expected to end, if the duration of the condition is expected to be less than one year, or
- When the EW believes there has been a change in the client's circumstances which would affect the exemption.

54.8 One-Time Exemption Based on the Care of a Child Under Six Months of Age[EAS 42-712.47]

54.8.1 Caretaker of Child Under Six Months of Age

The parent or other relative of a child (whether by birth or adoption) under the age of six months as of October 1, 2006, who is personally providing care for the child, is exempt from the registration requirement. This exemption:

- Applies to only one parent in a CalWORKs-U case.
- Is limited to only one-time under CalWORKs.

54.8.2 Time Limit

The exemption to care for a child under the age of six months as of October 1, 2006, can be used only one time under CalWORKs. The exemption ends six months from the youngest child's date of birth.



Example:

On or after October 1, 2006, the mother of a two-month old child applies for CalWORKs and is determined eligible. She is exempt from CWES as she has a child under the age of six months. When that child reaches the age of six months, the mother must be referred to CWES, unless otherwise exempt. She cannot use this exemption again.

54.8.3 Verification

Any acceptable verification of the age of the child and substantiation that the parent or other relative is personally providing full-time care for the child may be used to verify this exemption.

54.8.4 Cal Learn

This exemption, parent or other relative of a child under the age of six months who is personally providing care for the child, does not apply to a pregnant or custodial teen parent. [Refer to "Cal Learn [EAS 42-762]," page 57-1] for an explanation of the Cal Learn program.]

54.8.5 Review

This exemption must be reviewed 30 days before the youngest child reaches six months of age and/or at RD.

54.9 Exemption for Care Of Subsequent Child(ren) [EAS 42-712.472]

54.9.1 Caretaker of Subsequent Child(ren) Under Three (3) Months of Age

An individual who has previously used the one-time only exemption based on the care of a child under the age of six months may be exempt for an additional period of 12 weeks upon the birth or adoption of any subsequent child(ren) up to the child turns three months of age.

54.9.2 Verification

Any acceptable verification of the age of the child and substantiation that the parent or other relative is personally providing full-time care for the child may be used to verify this exemption.

54.9.3 Cal Learn

This exemption, providing care of any subsequent child(ren) under the age of three (3) months whether by birth or adoption, does not apply to a pregnant or custodial teen parent. [\[Refer to “Cal Learn \[EAS 42-762\],” page 57-1\]](#) for an explanation of the Cal Learn program.]

54.9.4 Review

The exemption must be reviewed at RD and 30 days before the child turns three (3) months old.

54.10 Exemption for Care Of One Child from Birth through 23 Months of Age

54.10.1 Care of One Child From Birth through 23 Months

This is a one-time young child exemption for a parent or caretaker relative who has the primary responsibility for personally providing care to one child from birth through 23 months of age. This exemption may be used only once-in-a-lifetime and is at the discretion of the client.



Example:

A client has a child between zero and 23 months of age on January 1, 2013. The client has the option to reserve his or her right to use this exemption for the caregiving of a future child or to exercise it at a later date for the existing child.

54.10.2 Two Parent Assistance Unit (AU)

For two parent AU's meeting this exemption, each parent in the AU must be provided the option to receive this exemption. Only one parent at a time may be granted the exemption; however, the parents have the option to alternate which parent is exempt.



Example:

One parent may receive the exemption for 12 months, and then alternate so the other parent receives the exemption for the remaining 12 months. In this example the exemption is fully exhausted after 23 months for both parents and neither parent is eligible to receive it again.

54.10.3 Verification

Any acceptable verification of the age of the child and substantiation that the parent or other relative is personally providing full-time care for the child may be used to verify this exemption.

54.10.4 Cal Learn

This exemption does not apply to a pregnant or custodial teen parent. [\[Refer to "Cal Learn \[EAS 42-762\]," page 57-1\]](#) for an explanation of the Cal Learn program.]

54.10.5 Review

The exemption must be reviewed at RD and 30 days before the child turns two (2) years old.

54.11 Exemption Based on Pregnancy [EAS 42-712.48]

54.11.1 Pregnancy

A woman who is pregnant is exempt from the registration requirement if the pregnancy impairs her ability to be regularly employed or participate in self-sufficiency activities (unless the woman is a Cal Learn pregnant or custodial teen parent).

54.11.2 Verification

The written verification may either be an CW 61 or a statement provided by the client and signed by the doctor which, includes the information below:

- Pregnancy due date,
- Identification of the disability,
- The expected duration of the disability, and
- The extent to which the disability impairs employment and/or participation in the self-sufficiency activities.

This exemption is not available if the client is employed 32/35 hours or more per week.

54.11.3 Cal Learn

A pregnant or custodial teen parent cannot be exempt due to pregnancy. [Refer to “Cal Learn [EAS 42-762],” page 57-1] for an explanation of the Cal Learn program.]

54.11.4 Review

A review of this exemption is required at the time of the anticipated delivery date. Once the child is born, the EW must determine if the mother is required to be referred to CWES, or if there is another appropriate exemption.

54.12 Exemption Based on Domestic Abuse

[EAS 42-715.512]

54.12.1 Domestic Abuse

An individual who is a past or present victim/survivor of domestic abuse may be exempt from the 48-month CalWORKs lifetime limit and have their Welfare-to-Work (WTW) participation requirement waived. A referral must be made to the CalWORKs Social Work Unit to make a determination of Domestic Abuse.

[Refer to Chapter 42.8 “Referral Process”]

54.12.2 Verification

It is not required for an individual to provide supporting documentation in order for the CalWORKs Social Worker/Domestic Violence Advocate to approve an exemption/waiver due to domestic abuse.

54.12.3 Cal Learn

A pregnant or custodial teen parent may be exempt from WTW participation when the CalWORKs Social Worker/Domestic Violence Advocate determines that the domestic abuse interferes with or prevents the client from participating. [Refer to “Cal Learn [EAS 42-762],” page 57-1] for an explanation of the Cal Learn program.]

54.12.4 Review

A review of this exemption by the CalWORKs Social Worker/Domestic Violence Advocate is required at least every 3 months.