

61. RCA & ECA Work Registration

61.1 Applicant Requirements [69-207]

61.1.1 Cooperation

If a nonexempt applicant or recipient fails without good cause to do any of the following, they have not met the employment and employment-directed education/training requirements:

- Accept a job offer without regard to whether such job would interrupt a program of services planned or in progress, UNLESS the RCA/ECA applicant/recipient is participating in a program in progress of on the job training or vocational training which is part of an approved employability plan [69-207.127]
- Appear for employment interviews arranged by the RRP funded service provider
- Report to the RRP funded service provider when requested by that provider
- Accept referrals to employment interviews arranged by the RRP funded service provider
- Accept part-time employment-directed services (i.e., on the job training, vocational training); if employed 32 hours per week or less, provided that such services do not interfere with the recipient's job [69-207.16].

61.1.2 Employed Within Previous 30 Days

When an applicant for RCA/ECA has been employed within the previous 30 days, the Intake EW must obtain verification of the ending date of employment and the reason for the termination. The “Request for Information from Employer” (SC 549) can be used although other verification is acceptable. Use the following chart to determine eligibility:

IF...	THEN...
The employment was in another county or state and verification is not available,	The SC 549 must be mailed to verify the applicant's statements.
Verification is not available because the employment was outside the USA,	The applicant's statement as to the date of termination and reason will be accepted.
There is no answer to the SC 549 within 10 days,	Aid may be paid if otherwise eligible. The SSPM may waive the 10-day waiting period in cases of immediate need.

61.1.3 Job Quit or Refusal

An applicant for RCA/ECA must not (during 30 consecutive calendar days immediately prior to the beginning date of aid) have, without good cause:

- Voluntarily quit a job
- Been discharged for willful misconduct, or
- Refused to apply for OR accept a bona fide offer of employment or RRP funded services.

61.1.4 Cause Determination

If a cause determination is needed, the EW must evaluate the reasons in consultation with the supervisor according to Section 61.4.

If the EW determines that “good cause” does not exist, the RCA individual is ineligible for the 30 days following the date of quit, discharge or refusal to comply. Aid may be paid to the rest of the AU if otherwise eligible.

61.2 Work Registration, Employment and Training Requirements [69-207.122]

As a condition of RCA eligibility, the nonexempt RCA refugee must participate in any available and appropriate refugee funded employment-directed education/training program.

61.2.1 Rights and Responsibilities

At intake, and whenever a recipient loses their registration exemption status, the EW must inform the applicant of their rights, responsibilities and consequences of failure or refusal to register or participate in an employment-directed education/training program. Follow these steps to explain work registration rights and responsibilities:

STAGE	WHO	ACTION
1.	EW	Reviews the “Employment and Training Requirements — RCA” (SC 26) with each mandatory registrant.
2.	EW and Registrant	Signs and dates the SC 26.
3.	EW	Gives the original to the registrant and scans the signed/dated copy into the case record in IDM.

STAGE	WHO	ACTION
4.	EW	Document the interview in the Maintain Case Comments window of CalWIN. The State requires the following documentation: "(Method of Interview i.e. telephone or face-to-face) Interview with <u>(name)</u> . RCA requirements explained. <u>(name)</u> states they understand."

61.2.2 Central Intake Unit (CIU)

All nonexempt RCA refugees must:

- Be referred to the Central Intake Unit (CIU) with a “Central Intake Unit Referral/Notification” (RS 3), and
- Participate in Refugee Resettlement Program (RRP) funded services projects that provide job or language training, and
- Accept and/or continue employment.

Upon receipt of the referral, the CIU must refer the refugee to an Employment Services Provider.

61.2.3 Inappropriate Referrals

Refugees found to be exempt from participation, based on illness or incapacity, will not be referred to the CIU.

When a refugee is referred back to the EW by the CIU, the EW must determine if an exemption exists. If the EW finds the refugee to be nonexempt, they must re-refer the refugee to the CIU with a new RS 3 and note in the “Comments” section, “No illness or incapacity was found to exempt the refugee from participating”.

61.2.4 CIU Referral Procedure

Upon determination that the refugee applicant/recipient is not exempt from participation, a referral is made to the CIU using the “Central Intake Unit (CIU) Referral/Notification” (RS 3).

- The EW and each mandatory registrant **MUST** have an interview in the refugee's primary language as declared on the "Language Survey-Interpreter/Translation Request" (SC 1264). At the face-to-face interview the EW must:

STEP	ACTION
1.	Explain the referral process to the RCA refugee.
2.	Give the RCA refugee the "Central Intake Unit Referral Information Handout" (SC 1295).
3.	Refer the RCA refugee to the CIU using the RS 3.

61.2.5 RS 3 Referral Process

The RS 3 referral process is as follows:

STAGE	WHO	ACTION
1	EW	Fills in the top portion of the form insuring that all copies are legible. Signs the RS 3 stating they have explained to the registrant their rights and responsibilities for work registration. Scans one copy of the RS 3 into the IDM case folder and gives the other three copies to the RCA refugee registrant.
2	Registrant	Hand-carries the original and two copies of the RS 3 to the CIU co-located in the CWES district office at 1879 Senter Rd.
3	CIU	Completes the RS 3 and returns one copy to the registrant and retains two copies in their case file.
4	Registrant	Returns the completed RS 3 to the EW.
5	EW	Receives completed RS 3 and scans into the IDM case folder.

For continuing refugee cases, the EW must allow the new mandatory registrant ten (10) working days to complete the CIU certification.

The RCA refugee has complied with the referral process when they return a completed RS 3 to the Eligibility Worker. If the refugee fails to report to the CIU, his/her application for RCA must be denied/discontinued.

Voluntary participants will be referred in the same manner as mandatory participants. However, should a voluntary participant fail to comply with these requirements, no penalties will be applied.

61.2.6 CIU Registration

The CIU must complete the RS 3 to certify that the RCA refugee reported to the CIU. The CIU stamp must be on the form. All RS 3 forms returned without the CIU stamp and designated staff signature(s), are to be considered invalid.

61.3 Work Exemptions [69-207.3]

61.3.1 Refugees and Entrants

The employment and training participation requirements for RCA/ECA applicants/recipients are the same as the CalWORKs Program. [Refer to AFDC Handbook, "[CalWORKs Employment Services Program](#)," page 54-1.] In addition to these exemptions, RCA/ECA applicants/recipients who are working more than 32 hours per week in unsubsidized employment, which is expected to last a minimum of 30 days, are also exempt. This exemption continues to apply if there is a temporary break in full-time employment which is expected to last no longer than 10 workdays.



Note:

INABILITY TO COMMUNICATE IN ENGLISH DOES NOT MAKE THE REFUGEE "UNEMPLOYABLE."

61.3.2 Documentation

The Eligibility Worker must document in the case record:

- The basis for the refugee's exemption, and
- The verification on file in the case record that substantiates the exemption determination.

61.4 Failure to Co-operate

61.4.1 Cause Definition [69-208]

Cause determinations will be made upon learning or being advised that the nonexempt refugee recipient has:

- Refused or failed to register at CIU or participate with an RRP funded services project, or
- Refused or failed to comply with employment and employment-directed education/training requirements, or
- Refused or failed to meet the applicant requirements.

61.4.2 Time Frame [69-208.2]

Cause determination must begin as soon as possible but no later than 20 working days following the date that the EW is made aware of the registrant's failure to cooperate/participate.

61.4.3 Factors to Consider [69-208.3]

The following factors must be considered when a cause determination is made. There must be a determination that:

- A bona fide offer of employment or employment directed training was made. An offer may originate from any source and may be temporary, permanent, full-time, part-time or seasonal work.
- The individual refused to participate in the training or failed to begin the employment or training as planned, quit employment or training or was discharged.
- CIU arranged an employment interview for the refugee OR CIU requested the refugee to report to CIU.
- The refugee failed to:
 - Participate or maintain registration with CIU, or
 - Accept a referral to or appear for an employment interview arranged by CIU, or
 - Comply with CIU registration requirements or the requirements of the education/training program.

The refugee must be:

- Given an opportunity to explain why the offer was not accepted or why the employment or training was discontinued.
- Informed of the effect that the refusal to accept or continue employment or training without good cause will have on the receipt of aid.

61.4.4 Good Cause Reasons [69-208.4]

“Good Cause” for failure or refusal to comply with registration, employment-directed education/training requirements exists when the following occurs:

Employment Related:

- The employment or training was available due directly to a bona fide strike or lockout, or
- The employment or training was in excess of the individual's mental or physical ability (medical or psychological verification is required), or
- The individual was employed in bona fide employment more than 20 hours during that week, and the hours of such employment prevented the refugee from being able to fulfill the registration or training requirements, or
- The individual had a definite offer of full-time employment (100 hours or more per month), or
- The individual has a definite promise of recall to full-time employment with a former regular employer to start within 30 calendar days of the failure to comply, or

Conditions:

- The individual would be required to work for an employer contrary to the conditions of his existing membership in the union governing that occupation (employment not governed by the rules of a union may be considered appropriate work), or
- The employment or training site violated applicable health and safety laws and regulations, or
- The employment was with an employer who did not have a business license, the employer refused to withhold disability insurance premiums as required by law, or the employer does not carry workman's compensation insurance as required by law, or
- The wage is less than the minimum wage, or
- The daily or weekly hours of work exceed that customary to the occupation, or

Personal:

- The individual was prevented from participating or reporting due to a physical or mental incapacity, or
- The individual was ill or was required to care for an ill member of the family and no other care arrangements were feasible, or
- Child care arrangements could not be made, or
- The individual was without transportation due to circumstances beyond their control and was without other means of transportation, or
- The daily commuting time to the work site or the training site and return would exceed two hours, excluding time spent taking children to a child care facility, or
- The employment or training violated laws and regulations pertaining to discrimination based on age, sex, race, color, creed, or national origin, or
- The individual has other substantial and compelling reasons for failure to meet and comply with the requirements of this section.

61.4.5 Who Determines Good Cause

When CIU informs the EW that the client has refused or failed to comply with the program requirements, good cause is determined as follows:

Applicants The Intake EW must make the cause determination on an applicant for RCA/ECA.

Recipients The CIU must contact refugees who have failed to come to their CIU non-compliance interviews and offer them a cause determination.

61.4.6 RCA 43

When information appears to indicate that good cause does not exist for an RCA recipient's refusal/failure to comply with the program requirements the "RCA Notice of a Participation Problem" (RCA 43) must be used to schedule an RCA recipient for a face-to-face or telephone cause determination interview [69-208.71].

The RCA 43 informs the RCA recipient of:

- The program requirement that the client failed or refused to meet
- The right to provide an explanation for the noncooperation and/or non-participation at the good cause determination interview appointment

- The scheduled appointment at which time the CIU must discuss if good cause existed for the refusal/failure to comply
- The availability of free assistance with their interview from the legal aid office and the welfare rights office
- Examples of good reasons for not complying
- Consequences of not having a good reason for noncompliance, failing to attend the interview, and not agreeing to a participation plan, and
- Their right to request an appeal if they feel that the Agency's decision is incorrect.

61.4.7 Rescheduling Appointments

If the RCA recipient contacts the CIU prior to the scheduled cause determination interview to request a rescheduling, they will be allowed ONE reschedule of the interview.

This rescheduled interview must take place within 20 working days following the date that the EW becomes aware of a recipient's failure to cooperate/participate.

61.4.8 Telephone Interviews

The CIU is permitted to conduct a telephone interview to accomplish the cause determination if the CIU determines it is appropriate AND the recipient agrees.

61.4.9 Missed Appointments

If the recipient does not keep the initial or rescheduled appointment for the cause determination interview, a cause determination will be made from available information. The CIU must attempt to complete compliance.

If, at a later date, the refugee contacts the EW and wants to cooperate in the cause determination they will be referred to the appropriate EW as follows:

Applicants Applicants who have failed to keep the initial or rescheduled appointment for the cause determination must call their intake EW.

Recipients CIU recipients who have failed to keep the initial or rescheduled appointment for the cause determination must call the CIU.

61.4.10 Good Cause

If “Good Cause” exists, the CIU must re-refer the refugee on a new RS 3 and send the signed-off RS 3 and good cause determination to the appropriate continuing EW. The continuing EW must file the new RS 3 and good cause decision in the case record.

61.4.11 No Good Cause

If the refugee is determined not to have “good cause”, the CIU must resolve any dispute before sanction action is taken. [Refer to “Compliance,” page 61-10].]

The CIU must notify the EW of the outcome of the cause determination using the “Refugee Services Information Transmittal” (SC 569).

61.5 Compliance

61.5.1 When Needed [69-208.7]

If the EW determines that good cause did not exist for the failure or refusal to meet program requirements, the EW must try to resolve the recipient's failure to cooperate before the recipient is sanctioned. A compliance plan is developed.

61.5.2 Time Frame

Cause determination and compliance must begin as soon as possible but no later than 20 working days following the date that the EW is made aware of the registrant's failure to cooperate/participate.

61.5.3 Who Schedules Compliance

When it has been determined that “no good cause” exists the EW must begin the compliance process as follows:

ApplicantsThe intake EW must make the compliance appointment for applicants for RCA/ECA.

RecipientsThe CIU must contact refugees for the CIU compliance appointment.

61.5.4 Early Termination of the Compliance Plan

The compliance plan may be terminated sooner by either the CIU or by the recipient's written request if at any time it is apparent to either that the dispute cannot be resolved.

The CIU may end the compliance plan early if it is apparent that the recipient will not cooperate, that is, continues to refuse to report to CIU or training and employment services, or otherwise demonstrates unwillingness to cooperate.

The EW must inform the recipient of the following:

- The right to submit a written request, at anytime during the thirty (30) calendar day period, to have the compliance plan terminated, and
- The right to receive help to write the request to terminate the compliance plan, if needed.

61.5.5 RCA 44

The “Notice of No Good Cause Determination and Conciliation Appointment” (RCA 44) is used to inform an RCA recipient that no good cause was found for their refusal/failure to comply with the program requirements and to initiate the beginning of the compliance process to resolve the problem.

The RCA 44 informs the RCA recipient of:

- The determination that no good cause exists
- The reason(s) for the determination of no good cause
- A scheduled appointment at which time the individual and the CIU are to meet to discuss program participation and the ability to correct the situation by agreeing to and following the compliance plan
- The CIU’s proposed compliance plan to resolve the participation problem
- Their right to suggest an alternative compliance plan
- The availability of free assistance with their interview from the legal aid office and the welfare rights office
- Their right to request a supervisory review of the no good cause determination, and
- The final compliance plan to be completed in order to resolve the participation problem and avoid sanctioning.

61.5.6 Rescheduling Appointments

If the RCA recipient contacts the CIU prior to the scheduled compliance interview to request a rescheduling, they will be allowed ONE reschedule of the interview.

This scheduled interview must take place within 20 working days following the date that the EW becomes aware of a recipient's failure to cooperate/participate.

61.5.7 Telephone Interviews

The CIU is permitted to conduct a telephone interview to accomplish the compliance process if the EW determines it is appropriate AND the recipient agrees.

61.5.8 Compliance Plan

The CIU will develop a written compliance plan, specifying the actions the recipient must take to demonstrate cooperation with registration, employment, and employment-directed education/training requirements.

The compliance plan must be written on the RCA 44. The CIU must also complete the "Compliance Transmittal" (SC 568) and send it along with the RCA 44 to inform CIU of the compliance plan. They will further complete the SC 568 to indicate whether or not the recipient complied with the terms of the compliance plan and return the SC 568 to the EW.

In order to resolve the dispute during compliance, the CIU may have to coordinate with service providers.

Successful Compliance

If the recipient follows the terms of the compliance plan, they must continue to participate in the RCA Program.

The CIU must notify the recipient of the successful completion of compliance using "Compliance Letter" ((SC 566)).

Unsuccessful Compliance

If the compliance process is unsuccessful in resolving the conflict, the CIU must forward the RS 3, RCA 43, and all compliance documents (RS 38 and RCA 44) to the case carrying EW for sanction action.

61.6 Sanctions [69-209.1, 69-209.2]

61.6.1 Sanction Procedures

If the nonexempt RCA/ECA applicant/recipient has refused or failed, without good cause, to comply with the work registration requirements of the compliance plan, the individual is ineligible for RCA

benefits until he/she has registered with CIU and participates in the employment services within 30 days of receipt of aid. The EW must deny or discontinue the RCA/ECA benefits of that individual.

The client must be ineligible for RCA/ECA benefits from the date of discontinuance for refusal or failure to comply without good cause. Aid continues to the rest of the AU if its members are otherwise eligible.

61.6.2 Sanction Period [69-209.3]

A recipient is ineligible for RCA benefits for refusal or failure to comply without good cause. The sanction period is for three (3) payment months from the date of discontinuance. Aid continues to the remainder of the assistance unit (AU) if otherwise eligible.

61.6.3 Case is Denied/Discontinued for Other Reasons

The following actions are required when aid is denied or discontinued for other reasons and the EW receives notice to sanction:

The client must be given at least ten (10) days' advance written notice of termination of assistance and the reason(s) for the termination.

A sanction period cannot be applied without a timely notice of action (NOA) stating the sanction reason and the length of the sanction.

If the case discontinues for another reason, without a timely sanction NOA being sent, and the family reapplies, aid must be established and then a timely notice given. A delayed sanction period must be applied.

If the case is discontinued for any other reason and subsequently the EW is notified of noncooperation/nonparticipation prior to 10 days before the end of the month, a timely sanction NOA must be sent. The sanction NOA will supersede the discontinuance and therefore the client must be "sanctioned" rather than "discontinued."

If the notification of noncooperation/nonparticipation arrives too late for a ten (10) day notice, a sanction NOA must still be issued (even if the client has been discontinued). However, it will be effective one month later. This procedure should prevent the recipient from requesting to have his/her case discontinued to avoid being sanctioned for noncooperation/nonparticipation.

If the sanction period is delayed because the family files an appeal, the aid paid pending is not considered an overpayment. The sanction period would start after the hearing decision, unless the recipient wins the appeal.

The sanction period is established for a specific time frame whether the client would have been eligible during that time frame or not.

**Example:**

Client receives a lump sum and is sent a notice for three (3) months of ineligibility for benefits. Shortly after the lump sum notice is mailed to the client, the EW receives a notice of noncompliance, without good cause, from CIU. If the EW has time to send a timely notice to the client about the sanction, the sanction period and lump sum period can be the same three (3) month period. If the EW does NOT send the client a sanction NOA, the sanction period will start after aid has been restored and a timely NOA can be sent.

Discontinuance must be effective at the end of the month in which the ten (10) days expire.

If the client is a caretaker relative, assistance in the form of protective or vendor payments must be provided to the remaining members of the budget unit.

The client may request restoration of assistance at any time after the termination of assistance because of refusal or failure to comply. The effective date of aid, however, may be no earlier than the first day of the month following the completion of the penalty period.

**Note:**

There is no automatic reinstatement of aid after a sanction period. The client must request restoration and meet all eligibility requirements.

A "Statement of Facts for Additional Persons" (CW 8) may be used to add the refugee back into the Assistance Unit (AU). Refer the individual to the CIU with a RS 3.

61.7 Targeted Assistance Program (TAP) & Refugee Employment Social Services (RESS)

61.7.1 Central Intake Unit (CIU)

The CIU is funded by the Targeted Assistance Program (TAP) to provide intake, assessment, certification, referral and follow-up to refugee clients. The Central Intake Unit (CIU) is co-located at the 1879 Senter Road, CalWORKs Employment Services office:

Central Intake Unit (CIU)
1879 Senter Road
San Jose, CA. 95112
(408) 999-6273
Fax # (408) 999-6297

CIU Intake Hours: Monday - Friday, 8 a.m. - 5 p.m.
Pony Address:
CalWORKs Employment Services
1879 Senter Road
Attention: CIU-RCA Specialist

61.7.2 Employment Services

The goals of Employment Services are to provide vocational training and then place refugees into unsubsidized employment, at the highest skill-level and wage rate possible, and within the shortest time frame possible. Aggressive retention services will be provided to keep the refugees employed. All services are provided within the context of supporting long-term family self-sufficiency.

USCC

Catholic Charities of Santa Clara County
2625 Zanker Road
San Jose, California 95134
Telephone: (408) 325-5170

Center for Training and Careers

1600 Las Plumas Avenue
San Jose, California 95133
Telephone: (408) 251-3165

IRCC

Immigrant Resettlement and Cultural Center
1445 Koll Circle, Suite #110
San Jose, California 95112
Telephone: (408) 392-9923

Jewish Family Services

14855 Oka Rd., Suite 202
Los Gatos, California 95032
Telephone: (408) 356-7576

VIVO

2260 Quimby Road
San Jose, California 95122
Telephone: (408) 532-7755

61.7.3 Career Advancement Centers

The Career Advancement Centers serve as resource centers for unemployed, under-employed, and part-time employed refugees seeking a job, a better job, or career advancement opportunity.

USCC

Catholic Charities of Santa Clara County
2625 Zanker Road
San Jose, California 95134
Telephone: (408) 325-5170

OTI

Foothill/De Anza Community College, Occupational Training Institute
21250 Stevens Creek Blvd.
Cupertino, California 95014
Telephone: (408) 864-5709

61.7.4 County Health Evaluation Referral Program (CHERP)

CHERP provides a second opinion health evaluation/medical screening for refugees who get health exemptions from their private physicians deferring them from mandatory work participation requirements. [Refer to AFDC Handbook, "[Review of Incapacity \[1-430.3\]](#)," page 11-7.]

61.7.5 Senior Services

Provides outreach, information referral, case management, ESL, emergency food and housing, legal, immigration and citizenship counseling, transportation, interpretation, weatherization and energy assistance.

Consortium Agencies**Asian Law Alliance**

184 East Jackson Street
San Jose, California 95112
Telephone: (408) 287-9710

Eastern European Services Agency

2400 Moorpark Ave. #201
San Jose, California 95128
Telephone: (408) 297-7348

ESO

Economic and Social Opportunities, Inc. (ESO)
1445 Oakland Road
San Jose, California 95112
Telephone: (408) 971-0888

IRCC

Immigrant Resettlement and Cultural Center
1445 Koll Circle, Suite #110
San Jose, California 95112
Telephone: (408) 392-9923

Jewish Family Services

1101 S. Winchester Blvd., Suite L237

San Jose, California 95128
Telephone: (408) 556-0600

JOHN XXIII

195 E. San Fernando Street
San Jose, California 95128
Telephone: (408) 282-8600

SEACC

1415 Koll Circle, Suite 108
San Jose, California 95112
Telephone: (408) 436-8438

VIVO

2260 Quimby Road
San Jose, California 95122
Telephone: (408) 532-7755

61.7.6 Social Adjustment Services

Addresses the cultural-specific needs of the multiple new ethnic refugee groups and supports long-term family self-sufficiency. Services provided include: interpretation, translation, referral services, parenting education, services for youth, women and elderly, mental health, legal, medical and social referrals.

Asian Law Alliance

184 East Jackson Street
San Jose, California 95112
Telephone: (408) 287-9710

Eastern European Services Agency

2400 Moorpark Ave. #201
San Jose, California 95128
Telephone: (408) 297-7348

Ethiopian Community Services, Inc.:

304 North Sixth Street
San Jose, California 95112
Telephone: (408) 297-7638

IRC

International Rescue Committee
90 E. Gish Road #F
San Jose, California 95112
Telephone: (408) 453-3536

IRCC

Immigrant Resettlement and Cultural Center
1445 Koll Circle, Suite #110
San Jose, California 95112
Telephone: (408) 392-9923

Jewish Family Services

14855 Oka Road, #3
Los Gatos, California 95032
Telephone: (408) 356-7576

61.7.7 Women Resource Center

The Refugee and Immigrant Women's Resource Center offers social adjustment, Employment & Training Services, coupled with orientation to the World of Work classes that are designed for women who are either new to American culture or who have been isolated from the mainstream.

ESO

Economic and Social Opportunities, Inc. (ESO)
1445-1447 Oakland Road
San Jose, California 95112
Telephone: (408) 668-2516