

# Ending Improper Limits on Education and Training....




A Review of All County Letter 02-03



# The Problem....

- Counties were imposing across-the-board limits on WTW assignments
- Counties thought they were limited to federally-countable assignments
- Counties failed to make referrals to third-party assessments



*“...there is no authority for counties to establish policies that are applied to all CalWORKs participants, regardless of an individual participant’s circumstances or needs.”*

ACL 02-03, p. 2



# Prohibited policies and practices

- Limiting educational programs to
  - an across-the-board timeframe shorter than the WTW period of 18- or 24-months
  - only CalWORKs WTW participants who lack a high school diploma or GED
  - only CalWORKs WTW participants who already are employed
- Imposing an across-the-board mandatory WTW participation requirement after assessment
  - e.g., 13 weeks of work experience
- Not automatically referring participants who disagreed with their CalWORKs assessment to a third party assessment



# Example #1

- Clare's WTW plan is for 12 months "VTR." Clare wanted to get an AA, but her worker told her that the "law" limits vocational education to 12 months
  - Federal law has this limit, not CalWORKs. This is an inappropriate policy.

*NOTE:* Plans should not contain abbreviations



## Example #2

- Nu's worker told her that, depending on how she performs in her 2 month "up-front work experience" assignment, she *may* be able to get training.
  - Work experience is a WTW activity that is assigned based on an individualized assessment. This sounds like a prohibited across-the-board assignment.



## Example #3

- The worker presents Kevin A. with a plan to do work experience to “sharpen his soft skills.” Kevin has a work history of getting unskilled jobs, but getting laid off during economic downturns. He asks for training. The worker says: “Sign or be sanctioned.”
  - When Kevin disagreed (with the “mutually agreed upon” WTW plan!), the worker should have automatically referred him to a TPA.



# Advocacy Tips: Claims

- File a claim for any policy or practice resulting in a non-individualized assignment
  - Back up with state hearing request in case claim rejected as not covered
  - Contact Jodie, Nu or Clare for review re: further advocacy
- Ask for hearing for any denials that say assignment was individualized – county has burden to prove this at hearing



## ACL does not cover...

- SIPs (State says “not a problem” – SIP ACL applies to this group.)
- Pre-assessment non-individualized assignments
  - The state is willing to address this if specific county is pointed out to them.



# Uncovered Territory: Example

- Pegine's worker tells her that the county sends everyone to a 3 week work experience setting as part of assessment.
  - This is "pre-assessment," so not covered by the ACL.
  - The person's work history and job search performance should demonstrate whatever the county thought work experience would accomplish, and so is an inappropriate policy.
    - Ask for a hearing and notify Clare, Nu or Jodie



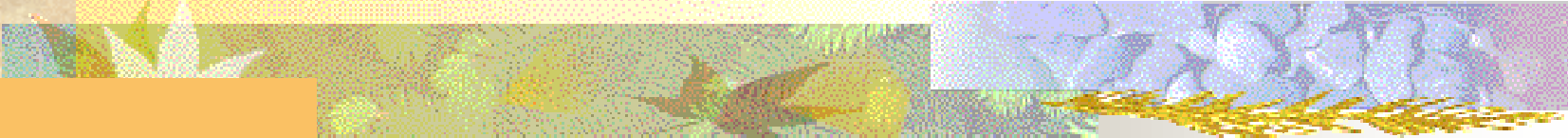
# What counties must do...

- Immediately rescind policies (whether in writing or just practice)
- Implement correct policies
- Inform participants in writing, prior to or during appraisal, of the right to be referred automatically to a third party assessment (TPA)
- Include TPA information in the WTW handbook



## Other good things in the letter...

- “Allowable WTW activities may include education and training that is needed ...obtaining either initial employment or *higher paying employment leading to self-sufficiency.*” *ACL 02-03, p. 2*
- WTW plan forms will now include information on the right to a state fair hearing.
- Reminder to have written county policies.



*“During the 18- or 24-month time limit, counties must make every effort to provide a CalWORKs WTW client with the allowable services, identified through the assessment process, that he/she needs to move toward self-sufficiency through employment.”*

ACL 02-03 p. 2



# Claims Process (ACL 02-20)

- Notice and claim form to current/former recipients
  - **Claims due by July 1, 2002**
    - People who had problems post-claim period, or who didn't know about claim process should file for a hearing and consult a free legal services provider
- County to review cases of people filing claims for non-individualized WTW assignment or failure to refer to TPA



# Review Process Timeline

- County has 30 days to review
  - If wrong county, county receiving claim has 10 days to forward
  - Timeline then starts when correct county receives forwarded claim
- If needs more info, county to send written NOA
  - Participant to have 45 days from date of notice to complete verification
- 20 days to send retro cash aid to eligible sanctioned participants
  - From date of determination of eligibility for retros



# Remedies

- Reassign to WTW activity based on individualized assessment
- Restore WTW training time
- Rescind sanctions
  - Prospective aid (restores grant only)
    - This remedy applies to all those sanctioned inappropriately
  - Retro aid (counts towards 60 month limit)
    - This is optional
- If no TPA, refer to TPA
  - If different result, reassign/reset WTW time



# Related Remedies

- Support services
  - Counties to reimburse for verified out-of-pocket expenditures on support services if continued in appropriate program during sanction
    - Verified declaration acceptable if no receipts



# TPA Special Issues

State claims ...

- A third party assessment is only available to review an assessment
  - Statute provides for TPA when disagreement between assessor and participant re: plan
    - Contact Clare, Nu or Jodie if affected clients
- If disagree with a TPA, must go to plan
- If disagree with plan, only Hearing available
  - At that time, can raise issues re: TPA
  - Contact Clare, Nu or Jodie if affected clients

# Right to a Hearing

- If claim denied, person has a right to file for a fair hearing





# Contact

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