

County of San Diego, Health and Human Services Agency (HHS) CalWORKs Program Guide

Employment Services Exemptions

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Revision Date:

February 1, 2023

Background:

CalWORKs customers are required to participate in Employment Services (ES) activities unless they are excused or exempt from participation. Excused or exempt customers may voluntarily participate in ES with certain exceptions.

Purpose:

The purpose of this revision is to update policy to include verbiage regarding the county assisting customers to obtain documentation supporting a medical exemption request.

Policy:

Excused from Participation

The following individuals are excused from participation in ES activities:

- **Cal-Learn Participant:** A pregnant or parenting teen who is subject to Cal-Learn Program requirements may not participate in ES activities
- **Second Parent:** A second parent in a two-parent household with unemployment deprivation is excused from participation if the other parent is meeting required ES participation hours
- **Non-Minor Dependent (NMD):** A dependent or ward of the court who is age 18-21 and is meeting Assembly Bill (AB) 12 program requirements to receive extended CalWORKs benefits. CalWORKs NMDs are not required to participate in ES activities
- **Parent/Optional Stepparent:** A parent or optional stepparent is excused from participation if the other parent in the Assistance Unit (AU) is meeting required participation hours

ES Exemption Criteria

1. **Age:** Individuals under age 16 or age 60 and older

2. **School Attendance:**

- **Full-Time Student:** An individual who is age 16, 17, or 18 and is attending high school full time or a vocational or technical school full time. Full-time status is determined by the school. Noncompliance with school attendance requirements will end the exemption and the truant student will be required to participate in ES. Exemption cannot be reinstated even if the student later complies with school attendance requirements
- **Post-Secondary Education:** An individual who is age 16 or 17, has completed high school or equivalent, and is enrolled or planning to enroll in a post-secondary educational, vocational, or technical school training program. Exemption cannot continue beyond the beginning of the school term without verification of enrollment

3. **Disability:** An individual who has a disability that is expected to last at least 30 calendar days that significantly impairs their ability to be regularly employed or participate in ES activities. Exemption will be granted if medical verification includes: (1) a description of the disability, (2) the expected duration of the disability, (3) the extent to which the disability impairs the individual's employment and/or participation in ES activities, and (4) indicates that the individual is actively seeking

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appropriate medical treatment. Medical verification must be from a doctor or health care professional that is licensed in the United States to diagnose/treat physical and mental impairments that can affect an individual's ability to work or participate in ES activities. Exemption will not be granted if medical verification indicates the individual can meet ES participation requirements. Exemption should be reviewed at the time the condition is expected to end or earlier if there is reason to believe there has been a change in the condition. An exemption based on disability will be granted retroactively if the individual's condition impaired their ability to be employed or participate in ES activities prior to the exemption request date and they were actively seeking treatment during that time based on the medical verification provided

4. **Aided Nonparent Caretaker Relative:** A needy caretaker relative who has primary responsibility to care for a child who is either: (a) a dependent or ward of the court, (b) a Kin-GAP recipient, or (c) at risk of placement in foster care as determined by the County. Exemption will be granted if the County determines that the caretaking responsibilities are beyond normal day-to-day parenting responsibilities and impair the caretaker's ability to be regularly employed or participate in ES activities. Verification may include court documentation or other statement from Child Welfare Services (CWS)
5. **Care of an Ill or Incapacitated Household Member:** An individual whose presence in the home is required due to the illness or incapacity of another (aided or unaided) member of the household. Exemption will be granted if the County determines that the caretaking responsibilities impair the caretaker's ability to be regularly employed or participate in ES activities. Verification may include medical verification forms or other statement from a doctor/health care professional, such as Family Medical Leave Act (FMLA) documentation. Exemption will not be granted if medical verification indicates the individual can meet ES participation requirements, or if there is a second parent in the home who is ES sanctioned
6. **Care of a Child:** Exemption may be given to only one parent at a time in a two-parent household. Exemption will not be given if the other parent is ES sanctioned
 - **Age 6 Months or Under:** A parent or caretaker relative who has primary responsibility to personally provide care to a child 6 months of age or under will be granted a one-time exemption. Exemption may be reduced to the first 12 weeks or extended to the first 12 months on a case-by-case basis after the birth or adoption of the child based on factors such as the availability of child care
 - **Age 12 Weeks:** An individual who has previously received the one-time exemption for caring for a child 6 months of age or under will be exempt for 12 weeks upon the birth or adoption of any subsequent children. Exemption may be extended to 6 months on a case-by-case basis based on factors such as the availability of child care
 - **Age 0-23 Months:** A parent or caretaker relative who has primary responsibility to personally provide care to a child 0-23 months of age will be granted a one-time exemption upon request. Exemption may be reinstated after a break in aid if the same child continues to meet the age criteria. Exemption may switch from one parent to the other only one-time if there is a change in

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caretaking responsibilities for the same child. The parent will not qualify for the exemption again if they move to a new AU

- 7. Pregnancy:** A pregnant customer can qualify for an exemption during any trimester of pregnancy with approved and timely medical verification. Pregnancy verification may include a sworn written statement or verbal attestation by the customer provided that the customer submits medical verification of the pregnancy within 30 business days. A 30-day pregnancy exemption will be granted upon receipt of a sworn written statement or verbal attestation. The exemption may continue for the duration of the pregnancy if medical verification is provided within the 30-day timeframe after the sworn statement or verbal attestation is provided. This is not a CalWORKs time limit exemption, however, pregnant customers may be eligible for other time limit exemptions, including based on disability
- 8. Volunteers in Service to America (VISTA) Participation:** An individual who is a full-time volunteer in the VISTA Program, as verified by a copy of a Domestic Volunteers Statement or a written verification from the VISTA sponsor or the Federal Region IX ACTION/VISTA Office

Exemption Verification

Individuals are required to provide required documentation to establish a basis for an exemption. A range of documents may be accepted to verify the exemption if documentation meets required criteria. If an individual prefers that the county obtain this information on their behalf, the county will have the individual sign a release that is compliant with the Health Information Insurance Portability and Accountability Act (HIPAA). For more information about HIPAA, go to <http://www.hhs.gov/ocr/privacy/>.

Exemption Period

Exemption will be granted prospectively based on the exemption request date and verification provided, with the exception of retroactive disability exemptions. Exemption will end when criteria is no longer met.

Voluntary Participation

Excused or exempt individuals may volunteer to participate in ES with the exception of individuals who are subject to Cal-Learn or NMD program requirements. Individuals who are exempt due to disability or care of an ill or incapacitated household member may volunteer in ES activities only to the extent permitted by the medical verification provided.

Procedure:

Processing Guide 10-020.A1

References:

Manual of Policies and Procedures (MPP) 42-701,42-712; All County Letter (ACL) 12-72, 13-52, 15-08, 21-134, 22-55

Sunset Date:

This policy will be reviewed for continuance on or by February 28, 2026.

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Approval for Release:

Handwritten signature and date: Rick Wanne, 2-21-23

Rick Wanne, Director
Self-Sufficiency Services