

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

## Employment Services Noncompliance and Sanctions

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10-025.A

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### Revision Date:

June 1, 2022

### Background:

An individual who is required to participate in Employment Services (ES) program activities as a condition of receipt of CalWORKs benefits is subject to noncompliance and sanctions if they fail or refuse to comply with program requirements without good cause.

### Purpose:

The purpose of this revision is to add policy related to manual sanction cure referrals, as well as complete a sunset review and technical updates.

### Policy:

#### Noncompliance

An ES participant is subject to ES sanctions whenever they fail or refuse to comply with program requirements without good cause and subsequently fail or refuse to agree or comply with a compliance plan without good cause.

Noncompliance with program requirements includes a failure or refusal to:

- Sign an ES plan
- Participate in an assigned program activity
- Provide required proof of satisfactory progress in an assigned program activity
- Accept employment
- Continue employment
- Continue employment at the same level of earnings

Participants cannot be sanctioned for assignments not provided in writing.

Sanctions cannot be imposed if the employment, offer of employment, activity, or training for employment:

- Discriminates in terms of age, gender, gender orientation, race, religion, national origin, or physical or mental disability
- Exceeds the daily or weekly hours of work customary to the occupation
- Is remote from the participant's home because either:
  - Round-trip travel time exceeds a total of two hours, excluding time spent to transport family members to a school or place providing care
  - Walking is the only available means of transportation and the round trip is more than two miles, excluding distance traveled to transport family members to a school or place providing care
- Violates applicable health and safety standards
- Does not provide worker's compensation insurance
- Would cause the participant to violate the terms of their union membership
- Would cause an interruption to an approved education or job-training program in progress

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Other good cause reasons supporting the failure or refusal to comply with program requirements may be allowed with valid justification.

In determining whether good cause exists, the Employment Case Manager (ECM) is required to consider whether the participant has a mental health disability that caused or substantially contributed to the refusal or failure to comply with program requirements. Mental health determination must be made in consultation with the mental health assessor or treatment provider.

### Cause Determination

A cause determination appointment must be scheduled within 20 calendar days of the sanction notice of action to provide the participant an opportunity to demonstrate that they have good cause for refusal or failure to comply with program requirements. If good cause is found, the sanction request will be rescinded.

### Compliance Plan

If there is no good cause found for the failure or refusal to comply, the participant can agree to a compliance plan to avoid a sanction upon successful completion. Participants cannot be required to participate in a compliance plan for a period that exceeds the length of the original activity that brought about the instance of noncompliance.

In order to resolve the instance of noncompliance, the participant is required to:

- Sign a WTW 32 *Compliance Plan* and
- Satisfactorily perform the activity specified in the WTW 32 until completed, or up to a maximum of 60 calendar days from the date the participant begins the activity, whichever is less

### Sanction Effective Date

An ES sanction is effective immediately after the 20-Day Compliance period has ended and either:

- No good cause has been found, or
- No good cause has been found and the participant does not agree to enter into a compliance plan

The participant is considered sanctioned the day after the 20-Day compliance period has ended (21<sup>st</sup> day) and must meet requirements to cure a sanction even though the financial sanction has not yet been applied.

### Sanction Cure

Once an ES sanction is effective, the participant must successfully complete the activities that resulted in the sanction, or another valid activity determined by the ECM.

In order to cure the ES sanction, the participant is required to:

- Contact the ECM to inform them of their request to cure, which is considered the Sanction Cure Contact Date
- Sign a WTW 29 *Sanction Cure Plan*
- Satisfactorily perform the activity specified in the WTW 29 until completed, or up to a maximum of 30 calendar days from the date the WTW 29 is signed, whichever is less

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### Sanctions for Two-Parent Assistance Units

All noncompliance and sanction procedures must be applied independently to each adult in a two-parent Assistance Unit (AU). If one parent is sanctioned, the second parent, unless exempt or meeting good cause criteria, must begin or increase hours of participation to avoid being sanctioned as well.

If the second parent refuses to participate, or starts participating but subsequently stops without good cause, they will be subject to sanction. Participation by the second parent does not cure the sanction imposed upon the first parent. For either parent to have aid restored, each parent must cure their own sanction by doing what they failed to do in their own activity assignment.

### Restoration of Aid

When a participant successfully completes the curing process, cash aid will be restored for that individual if all other eligibility criteria is met effective the first day of the month following the Sanction Cure Contact Date.

### Manual Sanction Cure Referral

If a sanctioned individual is applying for CalWORKs and requests to cure the sanction, the process requires a manual referral and coordination outside of the eligibility system to facilitate the sanction cure. The Human Services Specialist (HSS) should evaluate all eligibility factors and determine the case to be otherwise eligible for all other members of the AU prior to initiating a manual referral to ES to cure. HSS and ES staff will work collaboratively to ensure manual sanction cure referrals are completed timely and accurately.

### Procedure:

Processing Guides 10-025.A1-A4; Appendix A 10-025.A1

### References:

MPP 42-721; ACL 03-59; ACL 04-47; ACL 06-27

### Sunset Date:

This policy will be reviewed for continuance on or by June 30, 2025.

### Approval for Release:



Rick Wanne, Director  
Self-Sufficiency Services