

**County of San Diego, Health and Human Services Agency (HHSA)
CalFresh Program Guide**

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Effective Date:

01/01/2020

Background:

An individual who is a mandatory work registrant is ineligible to participate in CalFresh if they either voluntarily quit a job or reduce the number of hours worked.

Individuals who qualify for one of the work requirement exemptions listed in 63-901.3 are exempt from these disqualification provisions.

This revision is updating the section to the new format. There are no state legislative updates.

Purpose:

This section details the regulations regarding voluntary quit and reduction of work effort.

Policy:

63-159.1 Voluntary Quit

Voluntary quit means resigning a job of 30 hours or more per week or which provides weekly earnings equivalent to at least the [federal minimum wage](#) multiplied by 30 hours.

If the voluntary quit occurs within 60 days of the date of application and without good cause, deny the individual's application for one, three, or six months in accordance with 63-159.8.

Changes in employment status that result from reducing hours of employment while working for the same employer, terminating a self-employment enterprise, or resigning from a job at the demand of the employer will not be considered a voluntary quit.

If an individual quits a job and secures new employment with at least the same number of hours or the same salary, and is later laid off, or through no fault of their own, loses the new job, the earlier quit will not be basis for a disqualification.

63-159.2 Reduction of Work Effort

A **reduction of work effort** means voluntarily decreasing the number of hours worked in paid employment to less than 30 hours per week.

If the reduction in hours worked occurs within 60 days of the date of application and without good cause, deny the individual's application for one, three, or six months in accordance with 63-159.8.

Do not impose a CalFresh disqualification if an individual reduces hours while working in a job of less than 30 hours per week.

NOTE: The minimum wage equivalency does not apply when determining a reduction in work effort.

63-159.3 Good Cause Determination

Determine if good cause exists when a mandatory work registrant voluntarily quits a job or reduces the number of hours worked to less than 30 hours per week. Consider the facts and circumstances, which includes information submitted by the individual and the employer.

Good cause for voluntarily quitting a job or reducing work effort include:

- Circumstances beyond the household member's control such as:
 - Illness,
 - Illness of another household member requiring the presence of the work registrant,

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- A household emergency,
- The unavailability of transportation, or
- Problems caused by the inability of the registrant to speak and/or write English.
- Resigning from a job that does not meet the **suitability criteria** specified in 63-159.5.
- Discrimination by an employer based on age, race, sex, color, handicap, religious beliefs, national origin or political beliefs;
- Work demands or conditions that render continued employment unreasonable, such as working without being paid on schedule;
- Acceptance by the individual of employment, or enrollment of at least half-time in any recognized school, training program or institution of higher education that requires them to leave employment;
- Acceptance by any other household member of employment or enrollment at least halftime in any recognized school, training program or institution of higher education in another county or state which requires the household to move and thereby requires the work registrant to leave employment;
- Resignations by people under the age of 60 which are recognized by the employer as retirement;
- Acceptance of a bona fide offer of employment that meets the requirement, and because of circumstances beyond the individual's control, the job either does not materialize or results in employment of less than 30 hours a week, or weekly earnings of less than the federal minimum wage multiplied by 30 hours.
- Leaving a job in connection with patterns of employment in which workers frequently move from one employer to another such as migrant farm labor or construction work.
- Having no adequate childcare arrangements available for a registrant's children who have reached age six but are under twelve years of age.

NOTE: Federal, state, or local government employees who have been dismissed from the job because of his/her participation in a strike against such government have no good cause for leaving employment.

63-159.4 Verification of Good Cause

Request verification of the registrant's statements only to the extent that good cause for voluntary quit or reduction of work effort is questionable, as explained in 63-117.4.F.

63-159.5 Unsuitable Employment

Any employment will be considered unsuitable if:

- The wage offered is less than the highest of:
 - The applicable federal minimum wage;
 - The applicable state minimum wage;
 - Eighty percent (80%) of the federal minimum wage if neither the federal nor state minimum wage is applicable.
- The employment offered is on a piece-rate basis and the average hourly yield the employee can reasonably be expected to earn is less than the applicable hourly wages specified above.
- The household member, as a condition of employment or continuing employment, is required to join, resign from, or refrain from joining any legitimate labor organization.

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- The work offered is at a site subject to a strike or lockout at the time of the offer.

Employment will be considered unsuitable when the household member involved can demonstrate, or the worker otherwise becomes aware, that the degree of risk to health and safety is unreasonable. Examples of unsuitable employment:

- The member is physically or mentally unfit to perform the employment, as documented by medical evidence or by reliable information from another source.
- The employment offered within the first 30 days of registration is not in the member's major field of experience.
- The working hours or nature of the employment interferes with the member's religious observances, convictions, or beliefs. For example, a Sabbatarian could refuse to work on the Sabbath.
- The distance from the household member's home to the place of employment is unreasonable considering the expected wage and the time and cost of commuting.
 - Employment will not be considered suitable if daily commuting time exceeds two hours per day, not including the transporting of a child to and from a childcare facility.
 - Nor will employment be considered suitable if the distance to the place of employment prohibits walking and neither public nor private transportation is available to transport the member to the jobsite.

63-159.6 Applicant Households

Determine if any unemployed household member who is not exempt from work registration requirements (63-901.3), has voluntarily quit a job or reduced work effort within 60 days prior to the date of application without good cause.

Process the application within the time frames specified in 63-109 and do not delay benefits pending a voluntary quit or reduction of work effort good cause determination.

When a household has lost a source of earned income or has experienced a reduction in income after the date of application, but before the household is certified, determine whether a voluntary quit or a reduction of work effort has occurred.

If a household member has voluntarily quit a job or reduced the number of work hours without good cause, deny the individual's CalFresh application for one, three, or six months. Refer to 63-159.8.

- The first month of the disqualification period is the month in which the individual is determined ineligible.
- The individual is considered an ineligible household member of the CalFresh household in accordance with 63-101.6.
- Notify the household in writing of the reason for the denial, the individual's right to reapply at the end of the disqualification period, how to regain eligibility before the disqualification period begins, the right to reapply if the individual becomes exempt during the disqualification period, and the right to request a state hearing.

If a voluntary quit or reduction in work effort occurred prior to certification, but is discovered after the case has been granted, impose the CalFresh disqualification in accordance with the "Voluntary Quit/Reduction of Work – Recipient Household" procedures in 63-159.7.

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63-159.7 Recipient Households

Make a voluntary quit/reduction of work effort determination when discovering that a mandatory work registrant recipient has lost his/her source of earned income or his/her hours of employment has been reduced below 30 hours per week.

Do not delay the issuance of benefits pending the good cause determination.

Upon determining that the voluntary quit or reduction of work effort was without good cause, issue a notice of adverse action informing the household of the disqualification being imposed.

- The notice must be issued within 10 days of the worker making the determination;
- The disqualification period will begin the first of the month following the issuance of a timely notice of action;
- The notice will explain the reason for the discontinuance, the individual's right to reapply at the end of the disqualification period, how to regain eligibility before the disqualification period begins, the right to reapply if the individual becomes exempt during the disqualification period, and the right to request a state hearing.
- The disqualified individual will be an excluded household member and ineligible to CalFresh.
- If the individual leaves the CalFresh household before the disqualification can be imposed, the period of ineligibility will run continuously beginning with the first of the month after issuing a timely notice unless the disqualification is ended per 63-159.9 below.

If the voluntary quit or reduction of work effort occurred in the last month of a certification period or it's determined in the last 30 days of the certification period, the period of disqualification begins the day after the last certification period ends and continues for the length of the disqualification regardless of whether the individual reapplies for CalFresh.

63-159.8 Length of the Disqualification Period

When no good cause for the voluntary quit or reduction of work effort is found, the household member will be disqualified from CalFresh. The length of the disqualification period will apply as follows:

Instances of Non-Compliance	Minimum Length of Disqualification
First Instance	1 month
Second Instance	3 months
Third Instance	6 months

63-159.9 Ending a Disqualification

Re-establish eligibility following the end of the disqualification period, if the household member, who is otherwise eligible, applies and is determined to be in compliance with work registration requirements (63-901).

In compliance means the household member is fulfilling one of the CalFresh work registration requirements or agrees to fulfill the requirements.

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NOTE: If at any time during the period of disqualification the disqualified household member qualifies for one of the work registration exemptions, the disqualification period will end, and the household member will reestablish eligibility by reapplying if otherwise eligible.

Program Impact/s:

Other Programs Affected

No Impact

References:

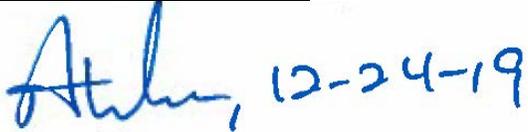
MPP 63-408

Code of Federal Regulations - CFR 273.7(i) and (j)

Sunset Date:

This policy will be reviewed for continuance on or by 12/31/2022.

Approval for Release:



Rick Wanne, Director
Eligibility Operations