PURPOSE

The purpose of the good cause and compliance process is to give each WTW participant who has failed or refused to comply with CalWORKs Program requirements an opportunity to demonstrate good cause or agree to a Compliance Plan, prior to being sanctioned.
This policy implements changes to the Good Cause/ Compliance/ Sanction procedure effective July 12, 2006, revised NOAs effective May 1, 2008, and implementation of Vendor Payment/Two-Party Check Issuance effective February 1, 2009. These changes include new instructions, guidance, and direct links to new NOAs, modified forms, related Resource Guides and Flowcharts for the Good Cause/Compliance/Sanction processes. This policy also includes references to CalWIN.

Sections in this policy include:

Section I. – Communication/Case Comments
Section II. – Failure to Participate in WTW
Section III. – Good Cause
Section IV. – Compliance
Section V. – Sanction
Section VI. – Two-Parent Households/Volunteers
Section VII. – Summary of Attachments and Forms

OVERVIEW

Adult cash aid recipients, unless otherwise exempt, must participate in CalWORKs Welfare to Work (WTW) activities and meet program requirements as a condition of receiving aid. If a mandatory participant fails or refuses to comply with WTW participation requirements, without good cause, a financial sanction must be imposed. The individual is removed from the assistance unit (AU).
When a participant fails or refuses to comply with WTW requirements, the Case Manager (CM) must:
- Initiate the process to determine if good cause for nonparticipation exists.
- If good cause does not exist, begin the compliance process.
- If compliance fails, initiate and impose a sanction.

Definitions For Terms In This Policy

SATISFACTORILY PERFORM

Satisfactorily Perform means the participant has taken action and completed all program requirements by maintaining required attendance and progress (as defined by the Service Provider) in their WTW activity as specified in the most recent WTW plan.

SANCTION

Sanction means that removing a noncompliant individual from the AU will reduce a family's CalWORKs grant.

RESCIND

Rescind means that an individual's financial sanction will not be imposed.

CURING A SANCTION

Curing a sanction means that the sanctioned individual agrees to participate, and actually participates, in a WTW activity as specified in the Compliance Plan in order to be added back to the CalWORKs grant and end the sanction.

LIFTING A SANCTION

Lifting a sanction means that the sanction is ended and aid is restored.

SECTION I – COMMUNICATION/ CASE COMMENTS

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CM/CONTINUING WORKER COMMUNICATION

Constant communication between the CM and Continuing Worker is essential for the Good Cause/Compliance/Sanction process to be successful.

The *CalWORKs Communication Document, F063-41-70* is the method of communication between the CM and the Continuing Worker for employment/sanction issues.
The Continuing Worker will wait for updates from the CM to make the necessary CalWIN sanction entries as specified in the *Noncompliance Process* Resource Guide.

• The CM must notify the Continuing Worker via the *F063-41-70* if the participant does not respond within the 20-calendar day period or if he/she fails to complete, or agree to, a Compliance Plan so the Continuing Worker can timely initiate and impose a sanction.

CASE COMMENTS

Since the Good Cause/Compliance/Sanction process has several different timeframes, which must be met by the CM/ Continuing Worker or the sanctioned individual, the worker must carefully document in CalWIN *Case Comments* all contacts with the client during the Good Cause/Compliance/ Sanction process.

SECTION II- FAILURE TO PARTICIPATE IN WTW

FAILURE TO PARTICIPATE

The CM must initiate the good cause/compliance process when a mandatory participant fails or refuses to:
1. **Sign a WTW** plan:
Refusing to sign a WTW plan will also include circumstances where the participant claims exemption but fails to provide requested documentation to support the claim. The CM will note the reason for the non-cooperation as failure to sign a WTW plan.
1. **Participate in any assigned WTW activity.**
2. **Provide required proof of satisfactory progress in any assigned activity, including SIP.**
3. **Accept employment.**
4. **Continue employment (quitting a job).**
5. **Continue employment at the same level of earnings.**
The CM must review and follow up on required attendance and progress reports without delay.
• Unsatisfactory attendance or progress and missed appointments with either the CM or a service provider, activates the good cause determination process, even if another appointment is scheduled.
• If a participation problem is identified for a voluntary (non-mandatory) participant that participant is to be de-registered in the CalWIN Employment Services subsystem and the appropriate notice of action sent to suspend the volunteer and terminate supportive services. (Refer to Section VI - Volunteers in this policy)

SANCTION NOTICES FOR FAILURE TO PARTICIPATE

When a Continuing Worker becomes aware of noncompliance, he/she will send *NOA 840* Sanction of Mandatory Participant/Welfare to Work Plan to the participant.

The 840 NOA informs the participant of their participation problem and that:

1. He/She must either attend a scheduled appointment or contact the worker by telephone within 20-calendar days of the notice for a cause determination.
1. A sanction will be initiated and imposed if the individual:

• Fails to either attend the appointment or contact the CM by telephone within 20-calendar days of the notice and

• Fails to provide information that leads to a finding of good cause or fails to agree to a Compliance Plan to correct the failure to comply.

The *840 NOA* is generated by the CM from entries made in the CalWIN Noncompliance Manager in the Employment Services subsystem, and mailed to the participant by the Continuing Worker. The *840 NOA* will advise the participant of the financial sanction and the new grant amount. Only the Continuing Worker may send the *840 NOA* as it contains the budget grant decrease information.

The Continuing Worker will also send the *WTW 27,* Request for Good Cause Determination and *WTW 31* Request to Stop a WTW Sanction as these forms are to be mailed at the same time as the *840 NOA*. (See *Request To Stop a WTW Sanction*; Section V, in this policy)

The Continuing Worker/CM will also call a Multi-Disciplinary Team (MDT) meeting as appropriate to assist the client with the resolution of any barriers. (Reference CalWORKs Policy 228)

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PARTICIPATION PROBLEM ACTIONS

When a participation problem is identified, the CM will complete the following steps:

1. Update activity status to Noncompliance and change the participant's registration status from Registered to Noncompliant
2. Complete entries in the CalWIN Noncompliance Manager in the Employment Services subsystem of CalWIN to initiate the good cause determination process (Follow the guidelines in the *Noncompliance Process Resource Guide*)
3. Complete Communication Document F063-41-70 with participation problem and good cause appointment date

• Appointment can be rescheduled only one time during the 20-calendar day period

• Additional rescheduling of the appointment is allowed for good cause

1. Send 41-70 by the next working day to Continuing Worker or, if the CM is contracted staff, the CM will send the 41-70 to the Contract Monitoring Team (CMT)
2. Receive NOA 840 Sanction of Mandatory Participant that was generated in CalWIN from the NOA tab in the Noncompliance Manager and forward to the Continuing Worker for completion and mailing
3. Complete CalWIN Case Comments noting action taken

The Continuing Worker will complete the following steps:

1. Receive the F063-41-70 from the CM with the good cause determination appointment
2. Receive the 840 NOA from the CM, complete the form and send it to the participant
3. Send the form Request for Good Cause Determination WTW 27 when the 840 NOA is sent to the participant (refer to *Request for Good Cause Determination* section below)
4. Send the WTW 31 Request to Stop a WTW Sanction to the participant (refer to *Request to Stop a WTW Sanction* section below)
5. If it is a two-parent case, send the WTW 4 Notice to Other Parent to the second parent at the same time the 840 NOA is sent to the first parent
6. Complete CalWIN Case Comments noting actions taken

SECTION III - GOOD CAUSE

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GOOD CAUSE GUIDELINES

Good Cause reasons for not participating in WTW activities include, but are not limited to, the following:
• Lack of necessary supportive services.
• Applicant or recipient is a victim of domestic abuse.
• Licensed or license-exempt childcare is not reasonably available during hours of training or employment, or arrangements become unavailable.
• Special needs childcare is not available for children with identified special needs.
Additionally, participants may not be sanctioned for failing or refusing to comply with program requirements when their employment, offer of employment, activity, or other training for employment:
• Discriminates.
• Exceeds hours of work customary to the occupation.
• Requires more than two hours of travel to and from the job/activity.
• Violates health and safety standards.
• Does not provide workers compensation.
• Interrupts an approved education or job-training program in progress, which would otherwise lead to employment with sufficient income to be self-supporting.
• Violates the terms of the individual's union membership.

GOOD CAUSE GUIDELINES *WTW 26*

The *WTW 26* Good Cause Determination Guidelines is a form to assist the CM in determining good cause. This form lists common good cause reasons for nonparticipation and is available as an online template. The CM must use the *WTW 26* as a guide in making good cause determinations for potential non-cooperation or sanction situations.

GOOD CAUSE FOR OTHER REASONS

Temporary good cause for reasons unrelated to non-cooperation may be granted to any WTW participant at the discretion of the CM, but must be reviewed at a minimum every thirty (30) days and not to exceed more than three (3) months.
When granting Temporary Good Cause for a WTW participant the participant must remain in *Registered Status* on the *Registration Tab* in CalWIN. *Case Comments* must be entered to document why Temporary Good Cause was granted and the reason for good cause must be verified, and documentation maintained in the case record. Refer to WTW 26 – Good Cause Determination Guidelines.
If the Temporary Good Cause exceeds more than 3 months, the *participation status* in CalWIN must be changed to *deferred/good cause*, unless the participant is eligible to an exemption.

REQUEST FOR GOOD CAUSE DETERMINATION *WTW 27*

The *WTW 27* Request For Good Cause Determination is a form which allows the participant to request good cause in writing and:
• Must be generated in CalWIN Client Correspondence (or shelf stock) and mailed to the participant on the same day the *840 NOA* is mailed.
• Helps initiate discussions between the participant and the CM to identify and resolve long-term issues, barriers to employment, or good cause reasons for nonparticipation.
It is not mandatory for participants to complete or return the *WTW 27* and the participant can request good cause without the *WTW 27*. He/she can call to discuss good cause reasons over the phone and/or mail the form to the CM prior to their scheduled good cause determination appointment.

DETERMINATION OF GOOD CAUSE/NO GOOD CAUSE *840A NOA*

The Determination of Good Cause/No Good Cause, *840A NOA*, is a required form. The CM/Continuing Worker must use the *840A NOA* to inform participants of the result of the cause determination within the 20-day time period. The CM/Continuing Worker must issue the NOA immediately to every participant who was issued an *840 NOA* and:
• Attends the good cause interview or,
• Contacts the CM by telephone within the 20-day period and/or,
• Submits the *WTW 27 Request for Good Cause Determination* within the 20-calendar day period.

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GOOD CAUSE APPOINTMENT

The participant must either attend the scheduled good cause appointment or contact the county by telephone within 20-calendar days of the *840 NOA*. The CM conducts the interview. The interview may be conducted by telephone if the participant agrees.

CM Good Cause Interview

1. Review with the participant his/her rights and responsibilities in the CalWORKs WTW Program.
2. Discuss the reasons for the noncompliance with the participant.
3. Obtain any available documentation to substantiate the participant's reason for not participating, such as a doctor's statement.
4. Determine if the participant has a condition, including a mental or physical condition that temporarily or significantly impairs the individual's ability to participate. Complete a Public Health Nurse (PHN) referral, form F063-30-251, or a Behavioral Health Services referral, form F063-41-113 as appropriate.
5. Use the *WTW 26* Good Cause Guidelines as a guide to grant good cause or no good cause.
6. Send an *840A NOA* Determination of Good Cause/No Good Cause immediately upon the determination of Good Cause/No Good Cause.

PARTICIPANT SHOWS FOR APPOINTMENT AND GOOD CAUSE GRANTED

If the participant shows for the good cause determination appointment, they must cooperate and provide information to assist with the cause determination. If the CM determines good cause exists, the participant must be referred:

• Back to the pre-WTW plan WTW activity, (must be in writing using the Pre-WTW Assignment Activity form F063-41-32), in which the participant did not participate or

• To the activity on the WTW 2.

If the CM determines that a change in assignment is necessary due to lack of supportive services or the activity no longer being available or appropriate, a new WTW plan will be developed and signed.

The CM must review the good cause determination monthly to determine if it is still valid. Good cause conditions that are anticipated to last more than 30 days, such as medical conditions, must be reviewed to determine if a WTW exemption applies. All good cause determinations must be made on a case-by-case basis.

The CM must do the following when good cause is granted:

1. Identify any specific additional supportive service needs and refer as appropriate. CM refers to Continuing Worker for issuance of supportive services.

• If good cause is granted on the basis of physical health, mental health, or domestic abuse; refer to CalWORKs policies *401 Behavioral Health Services, 402 Domestic Abuse*, or *229 Public Health Nurse* for needed actions.

2. CM must issue *840A* NOA granting good cause.

GOOD CAUSE FOR DOMESTIC ABUSESITUATIONS

If domestic abuse contributed to the participant's failure to participate, follow the current guidelines for evaluating good cause.

Even though a referral is made to the Domestic Abuse Services Unit, (DASU), a waiver is not appropriate until the DASU Senior Social Worker (SSW) completes an assessment and there is information to substantiate the need for a waiver. This is different from the normal referral process that is followed when a participant discloses domestic abuse **before** a participation problem occurs. A Domestic Abuse Waiver (DAW) Exempts the client from WTW and stops the CW clock from ticking. If there are extenuating circumstances involving domestic abuse that prevented the participant from attending the good cause appointment, contact Program.

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PARTICIPANT SHOWS FOR APPOINTMENT AND NO GOOD CAUSE DETERMINED

When the recipient shows for the good cause appointment or calls the CM within the 20-calendar day period and the CM determines that no good cause existed for the failure to comply with program requirements:

1. The participant must agree to a Compliance Plan within the 20-calendar day compliance period or the sanction process will be initiated in CalWIN and cash aid will be lowered as noted on the *840 NOA.*

• The /Continuing Worker will make appropriate CalWIN entries on the Display Sanction Summary and Collect Sanction/POI Penalty Detail windows in Data Collection to impose a sanction. (Follow guidelines in the *Noncompliance and WTW Sanction Process Resource Guide*)

• The Continuing Worker will change the Noncompliant status on the Registration tab in the Employment Services subsystem to Sanction.

1. If the participant agrees to a Compliance Plan and completes the plan, a sanction is not imposed and cash aid is not lowered. (See Compliance; section IV, in this policy

3.The Continuing Worker must issue NOA *840A* to inform participant of compliance.

ADDITIONAL INFORMATION NEEDED FOR GOOD CAUSE DETERMINATION

When the participant attends the good cause appointment or calls his/her worker within the 20-calendar day period, the Continuing Worker cannot impose a sanction until concluding that no good cause exists and the participant fails to enter into a Compliance Plan even when the CM:

• Requires additional information, or

• Requires additional time to review good cause information, or

• Is unable to propose a specific plan during the 20-day compliance period

If the participant agrees to enter into a Compliance Plan and subsequently completes it, the sanction process will not be initiated.

Example: A participant contacts her CM on May 10th, within the 20-day period indicated in the *840 NOA,* and presents information regarding good cause that requires additional verification. The CM sends a written request for verification and allows 10-calendar days for the verification.

The participant turns in the verification on May 20th within the 10-day time period. By the time the worker receives and reviews the verification it is May 26th, beyond the 20-day period. Although the 20-day period has passed, a good cause determination must still be made because the CM required additional time. The participant must be allowed an opportunity to enter into a Compliance Plan to avoid a sanction.

On May 27th the worker finds no good cause and advises the participant in a face-to-face interview that she must enter into a Compliance Plan to avoid a sanction. The CM and the participant agree on an activity. A *WTW 27 Compliance Plan* is developed and signed. The CM must request the Continuing Worker to send an *840A NOA* advising that no good cause was found, but because she agreed to a Compliance Plan her aid will not be lowered.

If the participant fails to complete the Compliance Plan, then a 10-day timely notice, *NOA 817 Sanction of Participant After Failed Compliance Plan,* will be issued and the financial sanction will be imposed by the Continuing Worker.

PARTICIPANT DOES NOT SHOW FOR GOOD CAUSE APPOINTMENT OR DOES NOT CONTACT CM

If the participant fails to attend the good cause appointment as noted on the *840 NOA* or fails to contact the CM by the end of the 20- calendar day period, the CM **must attempt to contact the recipient by telephone** at the time of the no show to the appointment (or after) to establish a finding of either good cause or no good cause

Attempt to Contact		
If CM is....	**Good Cause determined, then..**	**No Good Cause determined, then..**
Able to contact by phone	• No sanction is initiated. • Refer participant back to the activity assigned prior to failure to participate. • CM sends *840A Good Cause NOA*.	• Develop a Compliance Plan. • Follow compliance procedures found in the compliance, Section IV, in this policy. • CM requests Continuing Worker to send *840A Good Cause NOA*
If...	**Then...**	
CM is not able to contact and participant fails to contact CM within the 20-day period.	• Continuing Worker will initiate sanction process and impose financial sanction. • *840A Good Cause NOA* is not required.	
CM is not able to contact and participant fails to contact CM but returns the WTW 27 within the 20 -day period.	• Make a determination of good cause/no good cause based on information on the *WTW 27* and any available information that the CM believes to be credible. • If sufficient information is received on the *WTW 27* to determine good cause, refer to "Able to contact by phone good cause determined" above. • If there is insufficient information on the *WTW 27* to determine good cause, no new attempt to contact to ask for additional information is needed. • CM requests Continuing Worker to send *840A Good Cause NOA*. • Continuing Worker will initiate and impose sanction.	
Participant contacts CM within the 20-day period but no good cause is found and refuses to sign Compliance Plan.	• CM requests Continuing Worker to send *840A Good Cause NOA*. • Continuing Worker will initiate and impose financial sanction.	
Participant contacts CM **after** the 20-day period.	• Participant must cure the sanction before adding back to the CalWORKs grant. • See *Request to Stop a WTW Sanction*, Section V, in this policy. (Refer to *Curing a WTW Sanction Resource Guide*).	

SECTION IV - COMPLIANCE

COMPLIANCE PROCESS OVERVIEW

Compliance is the step of the sanction process in which a participant is determined not to have good cause and is given an opportunity to correct a nonparticipation problem within the 20-day calendar period, before a sanction is imposed.

To correct the nonparticipation problem and avoid a sanction, the participant must:

• Meet with or contact the CM by telephone.

• Agree to enter into a Compliance Plan, which outlines the activity the participant must participate in to avoid a sanction.

• Complete the plan as required.

The compliance period officially begins with the date on the *840 NOA*. The 20 day count starts the day after the date on the 840/845 NOA and ends 20 days later.

Note: If the 20th day falls on a non-business day or a holiday, extend the Compliance Period to the next business day.

Example: A participant fails to show for JSR without good cause on July 3rd. The 840 NOA is completed and issued on July 5th (July 4th is a holiday). July 6th is counted as the first day of the 20 day count. The 20 days end on July 25th. Refer to the example of a completed 840 NOA and accompanying NA 1242 Sanction Budget Continuation Page.

The CM **cannot** shorten the 20-day period unless:

• The participant successfully fulfills the terms of the Compliance Plan.

• The determination of no good cause is reversed.

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COMPLIANCE PLAN WTW 32

The *Compliance Plan WTW 32* is a required form to help participants understand how to avoid a sanction. Participants must sign the *WTW 32* indicating that they agree to complete activities outlined in the plan or a sanction will be imposed. The *WTW 32* is only used during the 20-day compliance process. (Refer to *Compliance Plan* Resource Guide)

If the *Compliance Plan WTW 32* is not available to print in CalWIN, the participant will sign a manual *WTW 32*.

During the 20-day period, the CM may develop a Compliance Plan with the participant in a face-to-face interview or over the phone. The CM must:

• Develop the plan with participant agreement.

• The participant may suggest alternative activities if they do not agree with the county-initiated plan. These may be incorporated if appropriate.

• Inform the participant of compliance requirements, (activity, provider, location, starting and ending date of participation).

• Request that the participant complete and sign the *WTW 32*.

• In the "Activity" section of the *WTW 32*, the CM must list the Compliance Plan activities to be followed, for example:

- Sign a WTW Plan.
- Participate or make satisfactory progress in any WTW activity.
- Provide proof of satisfactory progress.
- Accept a job/keep a job.
- Keep the same amount of earnings.

If the plan is developed over the telephone, the CM must mail two copies of the *WTW 32*, (one to sign and return, and one to keep), along with a self-addressed stamped envelope to the participant.

The compliance process has failed and the participant must be sanctioned if he/she:

• Fails to sign and return the *WTW 32*.

• Returns the *WTW 32* postmarked later than the return date indicated on the Compliance Plan (the CM must allow 10-calendar days from the date the Compliance Plan is mailed).

• Fails to participate as instructed by the CM over the phone and/or in the *WTW 32*.

COMPLIANCE IS SUCCESSFUL

A compliance is considered successful when a participant satisfactorily performs the activity he/she previously refused to perform, or another appropriate activity as noted in the Compliance Plan:

• Until the activity is completed or,

• Up to a maximum of 60-calendar days from the date the participant begins the activity, whichever is shorter.

The CM cannot require that the participant participate longer than the length of the original activity in order to meet compliance requirements. If the Compliance Plan assignment continues beyond the 60-day requirement, the participant may be required to continue in the same activity as their regular WTW activity. The Compliance Plan will be complete and a new WTW Plan will need to be signed to continue the activity. Any future problems that occur after compliance requirements are met begin a new sanction process and a new *840 NOA* must be issued.

The Continuing Worker/CM must take the following actions when compliance is successful:

1. CM will notify the Continuing Worker that the individual has completed the Compliance Plan.
2. CM will make appropriate entries in the Activities tab within the Plan tab of the Employment Services subsystem in CalWIN to update the Maintain Status window or to add, refer, and schedule new activities.
3. CM will provide any new WTW assignments to the recipient in writing via a new WTW Plan.

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EXAMPLES OF SUCCESSFUL COMPLIANCE

Example 1: A participant fails to show for JSR without good cause. After receiving the *840 NOA*, the participant contacts the CM on March 1, within the 20-day compliance period. On March 6th the participant signs a *WTW 32* and the CM requests the Continuing Worker to send the *840A NOA* to the participant. The CM assigns the participant to another JSR session to meet compliance.
If the participant fails to complete the Compliance Plan, then the Continuing Worker must issue *NOA 817 Sanction of Participant After Failed Compliance Plan* with 10-day timely notice.
Example 2: A participant is assigned a one-month work experience activity scheduled for December. During the month he missed ten days without good cause. After receiving the *840 NOA*, the participant contacts the CM within the 20-day period and signs a *WTW 32* on December 31st. The CM requests the Continuing Worker to send the *840A NOA* to the participant and reassigns him to the work experience activity to participate for 30 calendar days, from January 2 through January 31st.
After the participant has successfully completed his assignment through January 31st, he has met compliance requirements and the sanction process will not be initiated. Cash aid will not be lowered.
After the compliance plan is completed the participant will continue in the work experience program as his WTW activity. The CM will schedule an appointment with the participant to sign a new WTW Plan to include begin and end dates of the activity, necessary supportive services to be provided, and any other changes to the activity.

WTW ASSIGNMENTS AFTER SUCCESSFUL COMPLIANCE

After a participant has completed his/her Compliance Plan, the CM must:
1. Provide any new assignments in writing.
• This includes assignments that are the same as those in which the individual participated to fulfill compliance requirements.
1. Notify participants of the new assignments via a new WTW Plan.
• Develop a new WTW Plan for any participant who remains in the same activity as specified in his/her compliance plan during the compliance period to communicate any changes in WTW participation requirements after the compliance period has ended.
• Participants cannot be sanctioned for failure to show for an appointment or failing to participate in an activity if it is not provided in writing.

COMPLIANCE PROCESS FAILS

1. If the participant does not agree to the proposed Compliance Plan and is unable to present an alternative Compliance Plan that is acceptable, the CM will advise the participant that the compliance appears to be unsuccessful. If no agreement is achieved within the 20-calendar day period, the sanction process will be initiated and imposed by the Continuing Worker and no further action is taken for this noncompliance event.
1. If at any time during the compliance process the recipient fails to participate with the terms of the Compliance Plan, without good cause, he/she will be sanctioned.
• No further compliance procedures are required; the Continuing Worker must issue a 10-day timely *NOA 817* Sanction of Participant After Failed Compliance Plan. This NOA is used when sanctioning an individual who has signed a Compliance Plan, but then fails to meet the terms of the plan.
• No new opportunity for compliance for this event is offered.
• Registration status must be changed to Sanction by the Continuing Worker.
1. If the participant establishes good cause for the non-cooperation with the Compliance Plan, the CM will assist the participant to resolve any barriers so he/she can begin or resume participation in the Compliance Plan activities.

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DISPUTES WITH COMPLIANCE PLAN AND FAIR HEARING

Under the compliance process, participants may suggest alternative activities if they do not agree with the county-initiated plan. The CM may incorporate some or all of the participant's suggestions into the Compliance Plan as appropriate.
If the participant does not agree with the Compliance Plan:
• He/she has the right to file a Fair Hearing if the disagreement cannot be resolved with the CM.
• If the hearing upholds the county's proposed Compliance Plan, the county must provide an opportunity for the participant to agree to the plan, and only impose the sanction if the participant refuses the plan.

SECTION V - SANCTION

SANCTION

A sanction will result in a reduction to the family's grant by removing the noncomplying individual from the AU. (Refer to *Noncompliance Process* Resource Guide).
A sanction is not initiated and imposed:
• When the individual had good cause or the individual did not have good cause, but he/she agrees to a Compliance Plan and subsequently fulfills the terms of the Compliance Plan.
• If the county determines that the individual was exempt at the time he/she was in noncompliance with WTW program requirements.

REQUEST TO STOP (CURE) A WTW SANCTION
WTW 31

A sanctioned individual may request to stop/cure a sanction verbally or in writing using the *WTW 31*, *Request To Stop a WTW Sanction.* This is a form that the Continuing Worker must send to the sanctioned individual when the *840 NOA* is mailed. This form instructs the individual how to stop/cure their sanction, have aid restored, and begin participating in WTW activities again. The sanctioned individual is not required to return the form.

PLAN TO STOP (CURE) A WTW SANCTION

Sanctioned individuals must sign the *WTW 29*, *Plan to Stop A WTW Sanction*, also known as the Curing Plan, if they wish to stop/cure their sanction. This form informs the sanctioned individual of the activity he/she must perform to be able to receive aid again.

WTW 29
(CURING PLAN)

The *WTW 29* is only used to stop/cure a sanction. It does not replace the WTW Plan, which must be completed to communicate any changes in the individual's WTW requirements and supportive services, once the Curing Plan is no longer in effect.
The CM can either mail the form to the participant or have the participant sign the form at a face-to-face interview. (Refer to *Curing a WTW Sanction* Resource Guide)

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REQUIREMENTS TO STOP/CURE A SANCTION

To stop/cure a sanction, an individual must:
1. Contact the Intake/Continuing Worker verbally or submit the *WTW 31*, Request To Stop a WTW Sanction, and inform the worker of a desire to cure their sanction.
2. Sign a Curing Plan *WTW 29* at either a scheduled meeting with the CM, or by mail, and
3. Satisfactorily perform the activity specified in the Curing Plan until completed, or up to a maximum of 30-calendar days, whichever is shorter, from the date the Curing Plan is signed (date of signing starts the 30-day count).
Once the sanctioned individual contacts the county, the CM must schedule an appointment to meet with the individual to discuss and sign the Curing Plan, **within 10-calendar days** of:
1. The date the sanctioned individual speaks with the county to notify of his/her wish to cure the sanction, or
2. The receipt date of the completed *WTW 31,* Request To Stop a WTW Sanction.
Note: In order to meet these critical timeframes for reengagement, the Intake/Continuing Worker will refer the sanctioned individual to a Case Manager within **5 calendar days** from the day the request to cure is received either verbally or in writing from the sanctioned individual.

Example: An individual failed to participate in a three-month work experience assignment. To cure, she would normally be scheduled to participate for 30 days of work experience from the date she signed her Curing Plan. However, the CM is not able to place the individual in the work experience activity until ten days after she signs her plan, so she is only required to participate for 20-calendar days to cure her sanction.

CURING PLAN BY TELEPHONE

The CM and the sanctioned individual can develop the Curing Plan face-to-face or by phone. If the plan is developed by phone, the CM will mail the *WTW 29 Plan to Stop a WTW Sanction* to the sanctioned individual.
• The date the CM informs the individual of the Curing Plan specifics by telephone (informing date), is considered the date that the individual signs the plan for purposes of beginning the maximum 30-calendar day curing period.
• The CM must develop the Curing Plan and inform the individual of his/her curing requirements such as assigned activity, provider location, starting and end date, etc.
• The sanctioned individual must participate as instructed by the CM over the telephone and/or as noted in the *WTW 29.*
• The CM must mail two copies of the *WTW 29,* (one to sign and return, and one to keep), along with a self-addressed stamped envelope to the individual within the above mentioned 10-calendar day timeframe.
• The CM will change the individual's status on the Registration tab in the Employment Services subsystem from Sanction to Curing Sanction. The purpose of this status is to allow for the payment of necessary supportive services while in the process of curing a sanction.

• The sanctioned individual must return the *WTW 29* postmarked no later than 10-calendar days from the informing date as noted above.
• If the individual does not return the *WTW 29* within 10- calendar days, the sanction continues until he/she re-contacts the county to start and complete the curing process (the re-contact date is the new informing date).
• Requirements that the individual satisfactorily perform the activity and the timeframes to restore cash aid are the same as if the WTW 29 was developed and signed in a face-to-face meeting.

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CURING PLAN ASSIGNMENT

The Curing Plan will include assignment to the activity that the participant originally failed to perform.

• If the activity is no longer available or appropriate, the CM must specify in the Curing Plan another appropriate activity for the individual to perform.

• The CM may not assign an activity for a longer period of time than the length of the original activity that caused the sanction.

• If the activity lasts longer than 30-calendar days, the individual is considered to have cured the sanction and met program requirements after participating for up to 30-calendar days from the date the Curing Plan was signed.

• If the CM determines the activity that the participant previously refused to perform or another appropriate activity cannot be provided within 30-calendar days of signing the Curing Plan, the individual is considered to have cured the sanction as of the date the county made that determination.

Example: A sanction is imposed on an individual who failed to attend a month-long computer literacy class. She contacts the CM after being off aid for eight months and indicates she wishes to cure her sanction.

The computer class is no longer available but the CM has found a three-month business technology class that is appropriate for her, beginning 10 days after she signs her curing plan. The CM may assign her to the business class but to cure the sanction she is only required to attend the class for the first month (the length of her original assignment).

The CM must develop a new WTW Plan for the remaining two months of the business class assignment. If she completes the month as required, her aid will be restored effective the first of the month following the month she indicated her desire to cure. If she later fails to participate again, the cause determination/ compliance/sanction process begins again.

If she fails to attend the business class for the month without good cause, her sanction will continue until she contacts the CM again.

BEGINNING DATE OF AID (BDA) AFTER CURING A SANCTION

If a sanctioned individual contacts the CM to start the curing process and the individual successfully completes the curing process, the CM will send a *41-70* to the Continuing Worker to add the sanctioned individual back to the grant the first day of the month following the date the individual contacted the CM to request to cure. (Intake/Continuing Worker will not take action to restore cash aid until the individual meets all requirements noted in the *Requirements to Cure a Sanction* section above).

Note: When restoring aid to a previously sanctioned individual, a new *Statement of Facts (SAWS 2)* is not required unless additional eligibility factors need review or the RRR is due.

EXAMPLES OF BEGINNING DATE OF AID AFTER CURING

Example 1: An individual who was sanctioned for failing to attend Assessment contacts the CM on July 14 and indicates he wishes to cure his sanction. The sanctioned individual signs his Curing Plan on July 17, attends Assessment on July 23 as required by his Curing Plan, and cures his sanction. On August 1, his cash aid is restored.

Example 2: A sanctioned individual contacts the CM on July 14 and indicates she wishes to cure her sanction. The individual signs her Curing Plan on July 17, which specifies that she must participate in two weeks of job search beginning on July 23. She successfully completes job search on August 15, and cures her sanction. The individual's cash aid is restored back to August 1.

Note: Follow guidelines in the *Curing a WTW Sanction* Resource Guide to restore cash aid.

FAILURE TO MEET CURING REQUIREMENTS

If a sanctioned individual contacts the CM to initiate curing and then fails at any point to meet the curing requirements without good cause, the sanction must continue until the individual contacts the CM again to re-start and complete the process. The date of re-contact is considered the start of the curing process.

CORRECTION OF PARTICIPATION PROBLEM AFTER 20- DAY COMPLIANCE PERIOD BUT BEFORE FINANCIAL SANCTION

If an individual corrects his/her participation problem after the 20-calendar day period, but before the financial sanction begins:

• He/she must meet the requirements to cure a sanction, (see *Requirements to Cure a Sanction* section above); even if the participation problem can be corrected before the sanction is imposed.

Example: A participant did not attend Assessment. She received an *840 NOA* with a Good Cause Determination appointment but she did not show for the May 13th appointment and the CM has been unable to contact her by phone.

The CM requests the Continuing Worker to send an *840A NOA* Good Cause No Good Cause Determination. On May 25th the participant comes into the office to speak with the CM and agrees to attend an Assessment scheduled for May 27th. She signs the *WTW 29* Plan to Stop a WTW Sanction and then attends the May 27th Assessment.

She has met curing requirements. The CM advises the Continuing Worker via 41-70 that curing requirements were met and that her cash aid must continue. The Intake Worker/Continuing Worker/CM makes the necessary CalWIN entries to cure the sanction that was to begin June 1.

CASE DISCONTINUANCE

The discontinuance of aid for a WTW sanctioned individual is effective the first day of the first month that the sanctioned individual's needs are removed from the grant following 10-day notice.

Reminder: Sanction continues to run while a case is discontinued. Once the participant reapplies for aid, the participant must cure the sanction to be aided again.

SUPPORTIVE SERVICES FOR SANCTIONED INDIVIDUALS

The county is required to provide necessary supportive services, including advance payment of supportive services to sanctioned individuals who are participating in activities to cure the sanction. If the county cannot provide these supportive services, the individual has good cause for not participating in the activities to cure the sanction and the sanction will be considered cured at the time the CM determines supportive services are not available. Follow the BDA rules for sanctioned individuals found in this policy to add the individual back to the CalWORKs grant.

OCSSA

FAIR HEARING FOR SANCTIONS

If an individual appeals his/her sanction in a timely manner, the sanction may not be imposed until a hearing decision sustaining the county's action is issued. The county must continue to pay cash aid and necessary childcare as long as the individual is otherwise eligible, pending the hearing decision.

Individuals who are discontinued from aid due to sanction are considered to be former CalWORKs recipients. Under childcare policies, former CalWORKs recipients who are eligible for, and need childcare to work or participate in other activities, may receive childcare for up to 24 months after they leave cash aid.

If the participant files a Fair Hearing **prior** to the sanction being imposed, the CM may not take action to sanction the individual until the issuance of a hearing decision. If the participant files a Fair Hearing **after** the sanction is imposed and the decision is in favor of the county, the participant is required to complete the *Curing Sanction* process in *Section V* of this policy. Once the sanction is cured, cash aid will be restored the first of the month following the month the participant requested to cure. Refer to *Beginning Date of Aid After Curing Sanction* in *Section V* of this policy.

Note: There is currently no link in CalWIN directly from the Plan tab in the Employment Services subsystem to hearings functionality, nor does CalWIN automatically stop sanctions if a hearing is in progress. By leaving a participant's Employment Services status for WTW as "noncompliant" while a hearing is pending, the time on aid (TOA) clock will continue to tick and participants will continue to receive childcare and cash aid. EDBC does not actually apply the sanction until the Employment Services status is set to *Sanction*.

Should the hearing decision be in favor of the county, cash aid that was paid is **not** considered an overpayment. The sanction is deferred and not imposed until after receipt of the hearing decision.

If the hearing decisions are in favor of the individual, the county must reimburse the individual for any necessary transportation and/or work or training-related expenses that he/she paid out of pocket, or was obliged to pay during the time the hearing decision was pending.

Current CalWIN functionality requires that a participant be "registered" for the period in which supportive services are paid. With this in mind, when a hearing results in favor of the participant, the CM will manually end date the *Noncompliant* status the same day that it began, then set the status to *Registered* and issue retroactive supportive services.

VENDOR PAYMENTS/TWO-PARTY CHECKS FOR SANCTIONED INDIVIDUALS

Vendor payment/two-party checks for at least rent and utilities will be issued to an AU in which any parent or aided caretaker relative has been subject to a WTW sanction for at least three consecutive months. The vendor payment/two-party check will be initiated at the beginning of the fourth consecutive month and will continue until the participant is no longer subject to a WTW sanction. Vendor payments are not required if the worker makes a reasonable effort to locate an appropriate vendor to whom payments can be made and is unsuccessful. In this situation, the payments for the AU can continue to be made to the sanctioned individual. Case comments will be entered reflecting the reason vendor payments were not issued. Please refer to CalWORKs Policy *100-B8 Two-Party Check Issuance* for setting up payment.

SECTION VI - TWO-PARENT HOUSEHOLDS/VOLUNTEERS

TWO-PARENT HOUSEHOLD

The following are guidelines for two-parent household situations. Except for some differences in notification requirements, cause determination, compliance, sanction, and curing procedures are the same for an adult in a two-parent household as for the adult in a one-parent household.

1. When the Intake/Continuing Worker sends the *NOA 840* Sanction of Mandatory Participant/Welfare to Work Plan to the first parent, he/she will also send the *WTW 4* Notice to Second Parent, to the second parent. The *WTW 4* notifies the second parent of participation requirements. The *WTW 4* also informs the second parent that if the first parent is sanctioned, and the second parent does not meet WTW requirements, he/she will also be sanctioned.
1. Once a sanction is imposed on the first parent, the second parent, unless exempt or meets good cause criteria, must begin (or increase hours of) participation in WTW to avoid his/her own sanction. The second parent may not be exempt from participating for providing care for an ill or incapacitated member of the household or a young child since the first parent is not participating and is available to provide the care.
1. If the second parent refuses to participate, or fails to meet program requirements, he/she is sanctioned. When noncompliance occurs, the Intake/Continuing Worker must send *NOA 845* Sanction and Removal of the Other Parent's Needs to the second parent. *NOA 845* informs the second parent about how the first parent can restore aid.
1. In cases when the second parent agrees to a Compliance Plan, then subsequently fails to participate as required by the plan and will be sanctioned, the Intake/Continuing Worker must send him/her *NOA 816* Sanction of Other Parent After Failed Compliance Plan with 10-day timely notice.
1. In cases when the second parent complies with participation requirements as required, after receiving the *WTW 4*, the first parent remains sanctioned. Participation by the second parent does not stop/cure the sanction imposed upon the first parent.
1. Each parent must stop/cure his or her own sanction through compliance to have aid restored. If each parent was required to participate for 35 hours per week, then each parent must meet the 35-hour requirement to stop/cure his or her sanction.
1. If the second parent is complying with WTW program requirements after the first parent is sanctioned, and the first parent stops/cures his or her sanction, then one parent may stop (or reduce hours of) participation without being subject to sanction.

VOLUNTEERS

Exempt individuals may voluntarily participate in WTW activities. Volunteers sign a *WTW 2* Plan and are eligible to supportive services. Supportive services must be disallowed for individuals who do not cooperate with their WTW activities. No sanction is imposed, but proper notification must be sent to discontinue supportive service payments for these individuals. **(***NOA 818 Suspension of Volunteer/Compliance Plan* and *NOA 841 Suspension of Volunteer/Good Cause/Compliance Plan)*

SECTION VII - SUMMARY OF NOAS/FORMS AND ATTACHMENTS			
Attachment	**Name of NOA/Form**	**NOA/Form Number**	**How Accessed: State Website can be accessed by clicking on the links provided**
1	NA 840 Notice of Action -Sanction of Mandatory Participant/Welfare to Work Plan (R5/08) NA 1242 Sanctions Budget Continuation Page of NOA 840/845 (New 6/08)	State 840 State NA 1242	State Website or Shelf Stock

2	Request to Stop a WTW Sanction	State WTW 31	State Website or Shelf Stock
3	CalWORKs Communication Document 41-70	F063-41-70	Online Template
4	Request for Good Cause Determination	State WTW 27	State Website or Shelf Stock
5	Notice to Other Parent	State WTW 4	Online Template or Shelf Stock
6	Good Cause Guidelines	State WTW 26	State Website or Shelf Stock
7	Determination of Good Cause/No Good Cause	State 840A	State Website or Shelf Stock
8	Pre-WTW Plan Activity Assignment	F063-41-32	Online Template
9	WTW Compliance Plan	State WTW 32	Online Template or Shelf Stock
10	NA 817 Notice of Action - Sanction of Participant After Failed Compliance Plan (R5/08)	State 817	State Website or Shelf Stock
11	Plan to Stop a WTW Sanction	State WTW 29	Online Template or Shelf Stock
12	Suspension of Volunteer/Compliance Plan	State 818	State Website or Shelf Stock
13	Suspension of Volunteer/Good Cause/Compliance Plan	State 841	State Website or Shelf Stock
14	NA 845 Notice of Action - Sanction and Removal Of the Other Parent's Needs (R5/08) NA 1242 Sanctions Budget Continuation Page of NOA 840/845 (New 6/08)	State 845 State NA 1242	State Website or Shelf Stock State Website or Shelf stock
15	NA 816 Notice of Action - Sanction of Other Parent After Failed Compliance Plan (R5/08)	State 816	State Website or Shelf Stock

RESOURCE GUIDES AND FLOWCHARTS:

NONCOMPLIANCE AND WTW SANCTION Process
COMPLIANCE PLAN
CURING A WTW SANCTION
WELFARE TO WORK EXEMPT/NON-EXEMPT STATUS
Curing Plan Flowchart
GOOD CAUSE/COMPLIANCE/SANCTION FLOWCHART.DOC

Reference ACLs:

03-59 CalWORKs WTW Good Cause, Compliance, and Sanction Procedures
04-47 CalWORKs WTW Two-Parent Sanction Procedures
06-27 CalWORKs Changes to Sanction Policies
08-38 CalWORKs WTW Emergency Regulations Implementing Assembly Bill 1808 Requirements Regarding Durational Sanctions and County Plan Addendas

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