

Welfare-to-Work Handbook 42-7.2: Exemptions and Good Cause / Deferral Reasons in the Welfare-to-Work Program

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Summary:

The purpose of this handbook is to inform Employment Services (ES) staff about exemptions and good cause/deferral in the Welfare-to-Work program.

I. General:

The goal of the WTW program is to provide opportunity, choice and support to CalWORKs recipients in their effort to obtain permanent and unsubsidized employment. CalWORKs recipients who are not exempt are required to be registered for WTW. However, there may be some circumstances or conditions that temporarily prevent, or significantly impair, the individual's ability to regularly participate in WTW activities.

Participants, who are unable to participate in mandatory WTW activities, may request a postponement from WTW participation requirements in two different ways:

1. An individual may qualify for an exemption; or,
2. An individual may qualify for a temporary good cause/deferral status, in situations when his/her time limited barriers do not rise to the level of an exemption.

Employment Counselors (ECs) may make determinations of both the exemption and the good cause/deferral as circumstances are identified. In both cases, participants are required to provide all information available to support the consideration of WTW exemption or good cause/deferral status. Good cause/deferral status should not be used excessively, or be used for participants who continually fail to meet requirements.

Individuals who have been granted a WTW exemption still have the option to volunteer in the WTW program.

Once a WTW exemption or good cause/deferral status has expired and no other WTW exemptions or good cause/deferral reasons apply, the individual will become a WTW "mandatory" participant and be registered to the WTW program.

No months will count towards the WTW 24 Month Time Clock while an individual is receiving a WTW exemption or good cause/deferral status.

The WTW 24-Month Time Clock will begin ticking on the 1st of the following month from the date a new or amended WTW 2 Plan has been signed; and, necessary supportive services have been offered and provided to these WTW participants.

II. Exemptions in Welfare-to-Work Program:

Individuals may request an exemption verbally or in writing via the [CW 2186 A](#) (12/12) CalWORKs Time Limit and Welfare-to-Work Participation Exemption Request Form. Some exemptions are applied automatically (i.e. age). For exemptions that require proof or documentation, the County is required to approve or deny the request for an exemption within 15 days of the request using the [CW 2186B](#) (12/12) CalWORKs WTW Time Limit Exemption Determination Form. Refer to [How To # 294, Request and Complete Manual NOA CW 2186B](#)).

An individual who is exempt from WTW participation is not subject to the WTW 24-Month Time Clock and depending on the type of exemption may or may not be subject to the CalWORKs 48-month time limit. Refer to [CalWORKs Handbook 42-3.4](#) Time On Aid (TOA).

Once the exemption expires, the assigned EC will review the case and register the participant to the next appropriate activity.

A. CalWIN Generated WTW Exemptions

The exemption reasons below are auto-generated or produced in CalWIN when appropriate Data Collection windows are updated by the Eligibility Services Technician (EST) staff. The EST shall run EDBC and save ES Exemption results in order for exemption reason to be properly generated on the case. Refer to [CalWORKs Handbook 42-6.1](#) Welfare-to-Work Exemptions.

The EC may make a request to exempt an individual from participation requirements by completing and sending a [42-6 ET/EC Communication form](#) and documentation (if applicable) to image into Webfiles. The EC shall place completed Form 42-6 in designated priority imaging box. Once the form is imaged, a **Work Participation Rate (WPR) case action** will be created in the Work Distribution Tool (WDT) and will be assigned to an EST to review Form 42-6 and Run Exemptions as indicated.

The following are CalWIN generated exemption reasons:

- Age 16 or younger or age 60 or older.
- Subject to Cal-Learn Program.
- Child age 16, 17 or 18 and full-time student.
- Long term disability -- disabled/unable to work. Refer to [Employment Newsletter 10-02](#); Completing the CW 61.
- Caregiver of an ill or incapacitated household member.
- Aided non-parent caregiver of a dependent or ward of the court, child receiving Kin-Gap Benefits, or child at risk for foster care.
- Pregnancy impairs ability to be regularly employed (medical verification required).
- Primary caregiver of a child six (6) months of age or younger.
 - Note: This is a one-time exemption and it can be manually extended up to 12 months on a case-by-case basis. In a two-parent case only one parent can be granted this exemption at a time.
- Primary caregiver of a child three (3) months or younger “ for 2nd or subsequent child.
 - Note: This exemption for 2nd or subsequent child can be manually extended up to six (6) months on a case-by-case basis. In a two-parent case only one parent can be granted this exemption at a time.

B. Manually Entered WTW Exemptions

Manual exemptions are determined by the EC and entered in the Employment Services Subsystem

in CalWIN. After applying the manual exemption, EC must send completed Form [42-6](#), Employment/Eligibility Communication form, to imaging, and a **WPR case action** will be created in WDT requesting EST to review [Form 42-6](#), “Run of EDBC” and to “Evaluate Discrepancies” for the period/month in which the exemption is effective ([note: do not override Manual exemption](#)).

The following are manual exemption reasons:

- Domestic Abuse – Extender/CalWORKs 48 month time limit waiver (must refer to Social Worker). Refer to [CalWORKs Handbook 42-7.7](#) CalWORKs Domestic Violence/Abuse Policies and Procedures for Waivers and Exemptions.
- Indian Country or Alaskan Native Village where unemployment is 50% or above.
- Full time VISTA volunteer.
- Unable to maintain employment or participate in WTW activities (must be approved by the EC Supervisor or Program Manager).
- Second parent when first parent is participating.
- Primary caregiver of a child six (6) to twelve (12) months of age – This one-time extension reason should be evaluated on a case-by-case basis.
 - Note: In a two-parent case only one parent can be granted this exemption at a time.
- Primary caregiver of a child three (3) to six (6) months of age – 2nd or subsequent child. This exemption reason should be evaluated on a case-by-case basis.
 - Note: In a two-parent case only one parent can be granted this exemption at a time.
- Once in a lifetime primary caregiver of a child between the ages of zero (0) to 23 months.
 - Note: This is a once in a lifetime exemption and should be at the request of the participant and not automatically applied. In a two-parent case only one parent can be granted this exemption at a time.

Important note: Do not use “Lack of Supportive Services” as a manual exemption reason.

C. Exempt Volunteers

Exempt individuals may participate in WTW activities as exempt volunteers. In a two-parent household, if the second parent chooses to become an exempt volunteer, both parents may contribute toward the 35 hours per week requirement. Refer to [Welfare to Work Handbook 42-7.32](#), Exempt Volunteers in the Welfare-to-Work Program.

Please note: If the exemption of the 2nd parent is due to a disability, the disabled exempt parent cannot contribute toward the required weekly participation hours. The required hours for the remaining parent will either be 20 hours if one child under age six (6) or 30 hours with no child under age six (6), and the parent must meet Federal standards under the required weekly core activities.

III. Good Cause/Deferral Status in WTW Program:

A. Good Cause Status

An EC can grant temporary “good cause” status to defer or excuse an individual from participation in the WTW program, if he/she determines that there is a condition or other circumstances temporarily preventing, or impairing, participant’s ability to participate in WTW activities or maintain regular employment. Participant requesting a deferral or good cause is required to provide information, including written documentation, as required, in order for the EC to determine/establish the good cause/deferral status.

An individual who is excused/deferred from WTW participation for good cause is not subject to the WTW 24-Month Time Clock, but is subject to the 48-month time limit and his/her CalWORKs and TANF Time-on-Aid clocks continue to tick. Refer to [CalWORKs Handbook 42-3.4](#), Time On Aid (TOA).

B. Examples of Good Cause Reasons

The following temporary barriers, or conditions, may be considered good cause for not participating in WTW activities, but are not limited to:

- Lack of necessary supportive services.
- Domestic Violence, must refer to Social Worker. Refer to [CalWORKs Handbook 42-7.7](#). CalWORKs Domestic Violence/Abuse Policies and Procedures for Waivers and Exemptions.
- Legal difficulties, such as court-mandated appearances, which preclude participation.
- Temporary incarceration.
- Severe family crisis (illness/ death in the family).
- A person who is temporarily laid off from a job with a definite call-back date.
- Verified temporary illness less than 30 days (review for exemption if more than 30 days).
- Licensed or license-exempt child care is not reasonably available during the individual's hours of training or employment, including commuting time, or arrangements have broken down or have been interrupted.
- Homelessness or living in unstable, temporary housing.
- Problems involving participant's child(ren). (ACL 03-59)

C. Review of Good Cause/Deferral Status

An EC must review the continuing validity of good cause/deferral status based on the projected length of the condition, but at least every three (3) months.

When good cause/deferral reason ends, the participant is required to enter or re-enter the activity component he/she would have been assigned to attend before good cause/deferral was granted.

IV. CalWIN Correspondence Used in Good Cause/Deferral Process:

Form Number	Name	Description	CalWIN Access
42-124	Deferral Review Appointment Letter	Notification to the WTW participant that he/she is scheduled to attend the deferral review appointment.	Print a Form/Other Correspondence Manually; (Correspondence Type: FORMS; Correspondence #: 42-124). Manual Variables that users complete are: Office Location Room # Day, Date and Time of Appointment
WTW NOA 001	WTW Deferral Approval	Notification to the WTW participant that he/she is temporarily deferred from the WTW	Print a NOA Manually; (Action: Approval; Program: WTW; NOA/Form#: 001; Manual variables: Man_Begin Date, Man_End Date and Man_Reason why

		participation requirements.	
WTW NOA 002	WTW Deferral Denial Failure to Provide (Reason Code: NM0424)	Notification to the WTW participant that his/her WTW deferral request is denied due to failure to provide required verification.	Print a NOA Manually; (Action: Denial; Program: WTW; NOA/Form#: 002; Reason Code: NM0424)
	WTW Deferral Denial Did Not Meet a Deferral Reason (Reason Code: NM0425)	Notification to the WTW participant that his/her WTW deferral request is denied due to not meeting WTW deferral criteria.	Print a NOA Manually; (Action: Denial; Program: WTW; NOA/Form#: 002; Reason Code: NM0425)

V. Process for Exemptions:

Employment Counselor (EC):

The following steps are used by the EC when the participant is exempt from the WTW program participation:

1. Determine the participant is WTW exempt and receive appropriate verification;
2. Enter Case Comments in CalWIN, indicating the exemption type and end date;
3. Approve or Deny the request for WTW exemption within 15 days of request using the [CW 2186B \(12/12\)](#) CalWORKs WTW Time Limit Exemption Determination Form. Refer to [How To # 294](#), Request and Complete Manual NOA CW 2186B;
4. Give or send the [CW 2186B \(12/12\)](#) to the participant;
5. Complete the [42-6 Employment/Eligibility Communication Form](#) for approvals and attach documentation verifying the exemption status to send to imaging;
6. EC shall place completed Form 42-6 in designated priority imaging box to be imaged into Webfiles;
7. Once the form is imaged, a **WPR case action** will be created in WDT and will be assigned to an EST to review Form 42-6 and Run ES Exemptions as indicated, to process the exemption;
 - EC will indicate the following information on 42-6:
 - Exemption reason;
 - Exemption begin and end dates in Section I of the 42-6, and;
 - Request the EST to enter the information in data collection to trigger the exemption and run ES exemption results.
8. Follow up to ensure exemption is recorded in Data Collection windows by the EST;
9. Enter information in case comments;
10. Maintain the case and follow up when exemption ends.

Eligibility Services Technician (EST):

1. Receive WDT case action to process exemption.
2. Review Form 42-6 and EC case comments for exemption eligibility and dates requested.
3. Enter information in appropriate CalWIN data collection screens to apply exemption.
4. Run of EDBC and "Evaluate Discrepancies" for the period/month in which the exemption is effective. Authorize and save exemptions results when appropriate (note: only run EDBC for manual exemptions).
5. Enter case comments and close case action.

VI. Process for Approving Good Cause Deferral:

Employment Counselor:

When determining good cause/deferral, EC will take the following steps:

1. Interview the participant to determine temporary barriers to participation;
2. Request documentation if participant meets criteria for good cause;
 - If a participant fails to submit documentation, send WTW Deferral Denial letter (WTW NOA 002, Reason Code: NM0424), and schedule the participant for the next activity.
 - If a participant provides documentation to support the claim of temporary good cause/deferral, EC updates the CalWIN registration status. Refer to [How To # 304: Enter Good Cause/ Deferral Status](#).
3. Send WTW Deferral Notification (approval WTW NOA 001);
4. Enter Case Comments in CalWIN;
5. Place verification of good cause/deferral in the designated in-box for WebFiles imaging.

If good cause/deferral is denied because participant Did Not Meet Deferral Reason:

1. EC shall send WTW Deferral Denial Letter (WTW NOA 002, Reason Code: NM0425) and reschedule/schedule participant for next activity or to resume current activity.

VII. Good Cause/Deferral Review Process:

If the WTW participation status was deferred and case assigned to deferral bank:

EC will:

1. Monitor cases in good cause/deferral, track the length of the deferral and determine when participation is to be resumed;
2. Enter Case Comments in CalWIN.
3. Generate a deferral review appointment notice (form 42-124) in CalWIN and mail it out to participant no later than 15 days prior to deferral expiration;
4. Review the case prior to the scheduled appointment and make a courtesy phone call to remind participant of an upcoming good cause /deferral review;
5. Arrange supportive services for the activity as appropriate; and,
 - Authorize child care (one day â€" 4 to 5 hours per child) â€" complete and forward Child Care Request Form (CCRF), form #[42-10](#) to the appropriate Stage One provider.
 - Issue appropriate flat rate for transportation.
6. Meet with the participant and determine if good cause/deferral status still applies or not.

- If not, (when no other exemptions or deferral reasons apply), EC will register the individual as mandatory participant and refer and schedule the next appropriate WTW activity.
- If yes, (participant discloses and provides verification that good cause/deferral status should be extended), EC will extend participant's good cause/deferral status.

IMPORTANT: It may also be appropriate to refer the participant to a WTW Evaluation for help with barriers. Refer to [WTW Handbook 42-7.36](#): Onsite WTW Evaluations.

VIII. Preventing Sanctions:

When participants are resistant, uncommunicative or do not attend their assigned WTW activities, the EC is to explore the reasons for the behavior and evaluate them for possible exemption or temporary good cause deferral criteria. It is beneficial to both the participant and to the County that the possibility of an exemption or a good cause status is evaluated before any cause/conciliation process is initiated.

The good cause determination provides an opportunity for the participant to present information relevant to the issue of nonparticipation and can often lead to resumed participation and the avoidance of a sanction.

Note: Please refer to [CalWORKs Handbook 42-7.11](#), Noncompliance, Cause Determination and Sanction in Welfare to Work, for timeline and information regarding communication with the client and making a good cause determination related to the compliance process.

IMPORTANT: If a participant is repeatedly experiencing barriers to participation, he/she should be referred to the Social Worker (SW) or Support Services Specialist (SSS) for a WTW evaluation. The evaluation process may determine if a referral to mental health, substance abuse, domestic abuse, or learning disability services is necessary to help address the barrier. The Support Services Specialist (SSS) will recommend strategies and resources to address and overcome these barriers. Refer to Welfare-to-Work Handbook 42-7.36: Onsite WTW Evaluations. Refer to [Welfare-to-Work Handbook 42-7.36](#): Onsite WTW Evaluations.

References:

MPP Section [42-709](#), [42-713](#)

[Welfare to Work Handbook 42-7.0](#) Welfare to Work Overview

[CalWORKs Handbook 42-3.4](#) Time On Aid (TOA)

[CalWORKs Handbook 42-7.7](#) CalWORKs Domestic Violence/Abuse Policies and Protocols

[CalWORKs Handbook 42-6.1](#) Welfare-to-Work Exemptions

[CalWORKs Handbook 42-7.11](#) Cause Determination and Sanction in Welfare to Work

[WTW Handbook 42-7.36](#) Onsite WTW Evaluations

[CalWORKs and Employment Programs Newsletter 09-04](#)

New Temporary CalWORKs Welfare-to-Work and Time on Aid Exemptions

[Welfare to Work Handbook 42-7.32](#) Exempt Volunteers in the Welfare-to-Work Program

[Employment Newsletter 10-02](#) Completing the CW61

[How To # 304](#): Enter Good Cause/Deferral Status

[CW 2186 A](#) (12/12) CalWORKs Time Limit and Welfare-to-Work Participation Exemption Request Form

[CW 2186B](#) (12/12) CalWORKs WTW Time Limit Exemption Determination Form

[ACL 03-59](#)