

# ORANGE COUNTY SOCIAL SERVICES AGENCY GENERAL RELIEF REGULATIONS MANUAL

## SECTION 30: PROGRAM REQUIREMENTS AND PENALTIES

EFFECTIVE: May 2020

### **.1 CASE STATUS**

All persons applying for GR must be evaluated for employability.

It is the goal of the Agency to develop a plan of support or rehabilitation for GR clients so that GR will be utilized as a temporary emergency means of support while recipients strive to become self-sufficient or to otherwise become independent of further assistance. All recipients must participate in eliminating barriers to employment to enable them to become self-sufficient. This includes accepting and following through on referrals from the MRT for no cost medical treatment or self-improvement activities.

### **.2 MINORS**

Age verification is required in all situations in which the Eligibility Technician has reason to believe that the applicant is a minor, unless the minor is aided under another program as part of a family group. Emancipated minors may be eligible to receive GR provided they otherwise meet all eligibility requirements.

**.a Deleted effective 05-01-2020**

**.b Deleted effective 05-01-2020**

**.c Deleted effective 05-01-2020**

### **.3 ADULT STUDENTS**

Adult students are potentially eligible to receive GR if they are willing and able to cooperate with all program requirements and if all eligibility factors are met.

### **.4 INTERIM ASSISTANCE (IA)**

All persons who appear to be eligible to receive SSI/SSP shall be referred to file an application for that assistance as a program requirement. Failure to apply for SSI/SSP makes the EU ineligible for GR.

GR may be granted to SSI/SSP applicants while the application for SSI/SSP is pending if the EU is otherwise eligible to receive GR.

# ORANGE COUNTY SOCIAL SERVICES AGENCY GENERAL RELIEF REGULATIONS MANUAL

## SECTION 30: PROGRAM REQUIREMENTS AND PENALTIES      EFFECTIVE: November 2012

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### **.4      INTERIM ASSISTANCE (cont'd)**

When an SSI/SSP application has been denied but the MRT believes that the person should qualify, an appeal of the denial becomes a program requirement to receive GR. The case will continue to be aided as IA until all applications and appeals for SSI/SSP are exhausted.

When an SSI/SSP application has been filed and the MRT determines that the IA individual is Employable or CE, the individual must comply with the requirements of the Employable or CE program as specified by the MRT.

A client will be required to apply for SSI/SSP thirty (30) days prior to their sixty-fifth (65th) birthday as a program requirement.

### **.5      INCAPACITATED PERSONS**

**.a**      Incapacity will be verified in accordance with Agency procedures. Assistance may be authorized pending verification of incapacity in those situations in which incapacity appears obvious to a reasonable observer and is not expected to last more than three (3) weeks.

**.b**      When incapacity is not medically verified or when the incapacity is expected to last or actually lasts more than three (3) weeks, an evaluation of the person's employability must be done by the MRT and the decision entered in the case record. The employability/incapacity determination of the MRT shall be given great weight. Cooperation with the MRT is mandatory. Applicant's failure/refusal to cooperate with MRT without good cause shall result in the denial of GR benefits. A recipient's failure/refusal to cooperate with the MRT without good cause shall result in the discontinuance of benefits and the imposition of sanctions per Section 30.8.

**.c**      Employment in a sheltered workshop does not in and of itself preclude a finding of incapacity.

**.d**      Alcohol or other substance abuse alone does not automatically constitute incapacity, but must be considered in the final decision of employability.

**.e**      Persons residing in Health Care Agency (HCA) contracted substance abuse facilities are not eligible to receive GR.

Persons residing in other types of substance abuse facilities must be evaluated on all points of eligibility, including incapacity, before GR can be approved.

**.f**      Persons may be classified as incapacitated because of a physical, social, emotional and/or mental condition.

# ORANGE COUNTY SOCIAL SERVICES AGENCY GENERAL RELIEF REGULATIONS MANUAL

## SECTION 30: PROGRAM REQUIREMENTS AND PENALTIES

EFFECTIVE: May 2020

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### **.5 INCAPACITATED PERSONS (cont'd)**

- .g** When the MRT recommends a program of rehabilitation for a client, a referral will be completed per Agency procedures. Refusal by the applicant to accept the referral and/or failure to cooperate without good cause shall result in the denial of the GR benefits. Refusal by the recipient to accept the referral and/or failure to cooperate without good cause shall result in the discontinuance of benefits and the imposition of sanctions per Section 30.8.
- .h** Persons who are no longer incapacitated shall be transitioned to the Employables program if additional assistance is requested. Recipients shall be allowed to obtain a change in classification between Incapacitated and Employable/CE without any new GR application and without any interruption in benefits due to the change in classification, so long as the recipients comply with all program requirements relating to the new classification.

### **.6 CONDITIONALLY EMPLOYABLE PERSONS**

Persons shall be aided as CE based upon evaluation by the MRT. Upon being determined CE, a person shall register and participate in the mandatory work program to the extent recommended by the MRT. Applicant's refusal or failure to cooperate with MRT or register with the CF E&T/GRWP to the extent required without good cause shall result in the denial of GR benefits. Recipient's refusal or failure to register and cooperate with the CF E&T/GRWP to the extent required without good cause shall result in the discontinuance of benefits and the imposition of sanctions. See Section 30.8. The CE employability plan may be reviewed and modified as deemed appropriate. Recipients shall be allowed to obtain a change in classification between CE and Incapacitated or Employable without any new GR application and without any interruption in benefits due to the change in classification, so long as the recipients comply with all program requirements relating to the new classification.

### **.7 EMPLOYABLE PERSONS**

The GR-EU shall be given a NOA which shall include the benefit period at the time of approval for GR benefits. No further benefits shall be authorized after expiration of the benefit period without a new application and redetermination of eligibility, unless it is determined during the period of eligibility that the applicant is Incapacitated or CE.

Recipients shall be allowed to obtain a change in classification between Employable and Incapacitated/CE without any new GR application and without any interruption in benefits due to the change in classification, so long as the recipients comply with all program requirements relating to the new classification.

**ORANGE COUNTY SOCIAL SERVICES AGENCY  
GENERAL RELIEF REGULATIONS MANUAL**

**SECTION 30: PROGRAM REQUIREMENTS AND PENALTIES**

**EFFECTIVE: May 2020**

---

**.7 EMPLOYABLE PERSONS (cont'd)**

Each individual in the GR-EU, unless excluded from receiving benefits under Section 20.4, is required to meet all requirements of the Employables program described in Section 30.7.b unless specifically exempted under Section 30.7.a. Failure to cooperate without good cause results in the imposition of a sanction per Section 30.8.

**.a EXEMPTIONS**

The following persons are exempt from participation in the CF E&T/GRWP:

- (1) Incapacitated.
  - (a) Verify incapacity per requirements in Section 30.5.
  - (b) CE individuals (see Section 30.6) are required to participate in the Employable program to the extent recommended by the MRT.
- (2) **Deleted effective 05-01-2020**
- (3) **Deleted effective 05-01-2020**
- (4) Age seventy (70) or older.
- (5) An adult responsible for the care of a member of the EU on a substantially continuous basis due to the physical and/or mental impairment/incapacity of that member. If another person resides in the home who can provide such care, the GR applicant/recipient is not exempt.
  - (a) Verify the impairment/incapacity of the other EU member and that substantially continuous care is necessary.
  - (b) Determine that the adult seeking the exemption is the only person available to provide care.
  - (c) Review shall be required at least every six months or more frequently as determined by medical records.
- (6) **Deleted effective 05-01-2020**

**ORANGE COUNTY SOCIAL SERVICES AGENCY  
GENERAL RELIEF REGULATIONS MANUAL**

**SECTION 30: PROGRAM REQUIREMENTS AND PENALTIES**

**EFFECTIVE: May 2020**

**.7 EMPLOYABLE PERSONS (cont'd)**

**.b REQUIREMENTS**

Each non-exempt member of the EU must comply with each of the requirements of the mandatory CF E&T/GRWP.

- (1) Register with the CF E&T/GRWP. The requirement of registration with CF E&T/GRWP shall be satisfied by the applicant's attending a CF E&T/GRWP Registration and Orientation session. All other CF E&T/GRWP requirements shall apply only to recipients, and not to applicants for GR.
- (2) Cooperate with and follow all instructions from the CF E&T/GRWP.
- (3) Report to job sites as instructed and maintain satisfactory work habits.
- (4) Complete job skills training and conduct job search as required by the CF E&T/GRWP.
- (5) Accept job referrals made by the CF E&T/GRWP.
- (6) Accept any offer of appropriate employment which pays at least minimum wage.

**.c TIME LIMITS**

GR benefits for Employable individuals who have been offered an opportunity to attend job skills sessions shall not exceed ninety (90) days out of any twelve (12) month period.

The GR-EU shall be notified of the benefit period at the time of approval for GR benefits. No further benefits shall be authorized after expiration of the benefit period.

**.8 SANCTIONS**

**.a** Sanctions shall be applied when a member of the GR-EU fails or refuses without good cause to follow program regulations.

(1) **Applicant sanctions** shall be imposed only when a GR-EU member:

- (A) Knowingly makes fraudulent or intentional false statements or intentionally withholds information.
- (B) Engages in violent, destructive or threatening behavior in connection with the GR Program.

**ORANGE COUNTY SOCIAL SERVICES AGENCY  
GENERAL RELIEF REGULATIONS MANUAL**

**SECTION 30: PROGRAM REQUIREMENTS AND PENALTIES**

**EFFECTIVE: May 2020**

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**.8 SANCTIONS (cont'd)**

- (C) Is under sanction in a Federal or State cash aid program for failure to cooperate with the requirements of that program or is under a GR/General Assistance sanction in another county or jurisdiction because of a failure to cooperate with that county's or jurisdiction's work program requirements.
  - (D) A sanction shall not be imposed on an applicant for the reason that he or she was fired from or voluntarily left a past employment position.
- (2) **Recipient sanctions** shall be imposed when a GR-EU member:
- (A) Is required and agrees to register with the CF E&T/GRWP and subsequently willfully refuses or fails, without good cause, to register or to cooperate and follow program requirements, or not less than three (3) separate instances of negligent failure to follow program requirements, such as:

    - (a) Not attending the CF E&T/GRWP Registration and Orientation.
    - (b) Not reporting to the assigned work site.
    - (c) Not attending job club.
    - (d) Not performing job search.
  - (B) Voluntarily quits a job, without good cause, or causes an employer to terminate him or her because of a violation of valid company rules or policies.
  - (C) Refuses, without good cause, a job referral or a job offer.
  - (D) Participates in a strike or employment is lawfully terminated because of a strike.
  - (E) Fails, without good cause, to cooperate with the MRT.
  - (F) Knowingly makes fraudulent or intentional false statements or intentionally withholds information.
  - (G) Engages in violent, destructive or threatening behavior in connection with the GR Program.

**ORANGE COUNTY SOCIAL SERVICES AGENCY  
GENERAL RELIEF REGULATIONS MANUAL**

**SECTION 30: PROGRAM REQUIREMENTS AND PENALTIES**

**EFFECTIVE: May 2020**

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**.8 SANCTIONS (cont'd)**

- .b** Sanctions applied to any adult member of the EU are applied to the entire EU
- .c Deleted effective 05-01-2020**
- .d** Duration of sanctions shall be as follows:

  - (1)** Where sanctions are imposed in other Public Assistance programs, including sanctions imposed in a GR/GA work program in another jurisdiction, the duration shall be the balance of the sanction imposed in the other program.
  - (2)** Initial sanctions shall be applied for ninety (90) days from the date aid is last paid.
  - (3)** A sanction of one hundred eighty (180) days shall be applied for any second or subsequent incidents, within a twelve (12) month period, of non-cooperation with the Orange County GR program requirements, or for knowingly making fraudulent or intentional false statements or intentionally withholding information, or for engaging in violent, destructive or threatening behavior in connection with the GR Program.
  - (4)** The sanction period may be interrupted when aid is paid pending an appeal. The balance of the sanction period will be served if the County's action is upheld in the hearing decision.
- .e** Application and Review of Sanctions for Employables.

  - (1)** Sanctions will be imposed and good cause determinations will be made when the applicant/recipient is subject to a sanction for actions prior to application for GR and for failure to register and attend the CF E&T/GRWP Registration and Orientation.
  - (2)** Sanctions will be imposed and good cause determinations will be made by the CF E&T/GRWP anytime a client fails to meet the requirements of

The CF E&T/GRWP and for failure to cooperate after registering at the CF E&T/GRWP.
  - (3)** Recipients appealing a proposed sanction as described in Section 30.8.a(2)(A) who receive aid paid pending shall cooperate with the requirements of the CF E&T/GRWP pending the appeal decision.

**ORANGE COUNTY SOCIAL SERVICES AGENCY  
GENERAL RELIEF REGULATIONS MANUAL**

**SECTION 30: PROGRAM REQUIREMENTS AND PENALTIES**

**EFFECTIVE: May 2020**

- (4) The sanction period may be interrupted if the sanctioned individual becomes Incapacitated. Such incapacity must be verified by the MRT or by other medical evidence prior to granting aid. The balance of the sanction period will be served when the incapacity is over.
  - (5) When the sanction period exceeds the remaining period of eligibility, the balance of the sanction period shall be applied at the end of the twelve (12) month period referenced in Section 30.7.c. The new twelve (12) month period shall not begin until the entire sanction period has elapsed.
- .f** Sanctions will not be imposed if good cause is found to exist. In determining good cause, a violation will not be considered willful or negligent if the individual claims that his or her failure to comply with program requirements was the result of his or her disability, or disability was a significant factor causing the failure. In all cases in which the recipient makes such a claim that his or her failure to comply with program requirements was the result of his or her disability or if SSA has reason to believe that an individual's disability was a significant factor in causing the failure to comply, then SSA will evaluate and determine whether the disability was a significant factor causing the failure to comply.

Lack of good cause consists of either willful failure or refusal of the recipient to follow program requirements, or not less than three separate instances of negligent failure to follow program requirements.

- .g** Good cause may be demonstrated by a showing of any of the following:
- (1) The client was hospitalized or ill.
  - (2) It is determined that client's failure to comply with program requirements was the result of his or her disability, or disability was a significant factor causing the failure.
  - (3) The recipient's job paid less than the minimum wage as set by the State of California.
  - (4) The job was beyond the recipient's mental or physical capacity.
  - (5) Transportation issues prevented the client from complying with the CF E&T/GRWP requirements.
  - (6) The client was incarcerated.
  - (7) Other circumstances beyond the client's control.



**ORANGE COUNTY SOCIAL SERVICES AGENCY  
GENERAL RELIEF REGULATIONS MANUAL**

**SECTION 30: PROGRAM REQUIREMENTS AND PENALTIES**

**EFFECTIVE: May 2020**

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**.9 EMPLOYED PERSONS**

- .a For purposes of GR, full-time employment is defined as employment which pays the equivalent minimum wage or in kind and is equal to or in excess of the GR grant.
- .b Aid shall not be approved when any adult member of the EU is fully employed, on strike or under sanction.
- .c Aid may be continued when a GR recipient becomes employed if the EU's net income is less than the GR MAP for the EU size. Continuing participation in the CF E&T/GRWP is required. See Sections 70.2 and 80.7.

**.10 INSTITUTIONALIZED PERSONS**

Any individual incarcerated or otherwise institutionalized is not eligible to receive GR. If a recipient is incarcerated or institutionalized during an aided period, aid paid during this period is considered an overpayment.

**.11 PROBATION/PAROLE VIOLATORS**

An individual shall not be eligible to receive GR when a warrant has been issued *and* federal, state or local law enforcement authorities are actively seeking the individual to enforce the conditions of the probation or parole after it has been determined by an impartial party, such as a judge, to have violated a condition of his/her probation or parole imposed under the federal or state law.

This section shall not apply when the individual is granted a pardon by the President of the United States.

**.12 FLEEING FELONS**

Any individual who is fleeing to avoid prosecution or custody and confinement after conviction, under the laws of the place from which the individual is fleeing, for a crime or an attempt to commit a crime that is a felony under the laws of the place from which the individual is fleeing, or is a high misdemeanor under the laws of that state is not eligible to receive GR.

This section shall not apply when the individual is granted a pardon by the President of the United States.