

**County of Orange Social Services Agency  
Family Self-Sufficiency**

**Program/Area:** CalWORKs/Welfare-To-Work

**Title:** Noncompliance Process

**Number:** Policy 240

**Status:** *Signature on file*

**Effective Date:** 1/1/09

**Revision Date:** 7/2017

**Approved:**

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**PURPOSE**

To provide guidelines for Welfare-to-Work (WTW) participants who fail/refuse to comply with WTW requirements an opportunity to demonstrate good cause, agree to a compliance plan, and restore aid once a sanction is imposed or an individual has been removed from aid.

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**POLICY**

The noncompliance process has multiple steps and this policy has been divided into sections that mirror those steps:

- [Initiate Noncompliance \(Attachment 240-A\)](#)
  - [Good Cause Determination \(Attachment 240-B\)](#)
  - [Compliance \(Attachment 240-C\)](#)
  - [Sanction/Removal from Aid \(Attachment 240-D\)](#)
  - [Curing a Sanction/Removal from Aid \(Attachment 240-E\)](#)
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**BACKGROUND**

All adult CalWORKs recipients unless otherwise exempt, are required to participate in WTW as a condition of receiving aid and are subject to a sanction or removal from aid when they fail/refuse to comply with WTW requirements without good cause.

Individuals who have exhausted the WTW 24-Month Time Clock (24-MTC) will be removed from aid when they fail/refuse to meet CalWORKs federal standards. The process to remove individuals from aid mirrors the noncompliance process, with the notable difference that individuals subject to a sanction have **not** exhausted the 24-MTC. Refer to [Policy 207-B – WTW 24-Month Time Clock Extension Criteria and Removal From Aid Process](#) for more information.

Prior to imposing a sanction/removal from aid, the participant will

be evaluated for good cause. If good cause does not exist, the participant will be given an opportunity to correct the noncompliance problem through a compliance plan. If the compliance plan fails, without good cause, the sanction/removal from aid is imposed. The participant who is sanctioned/removed from aid may have aid restored by successfully completing a curing plan.

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## TWO-PARENT HOUSEHOLDS

In addition to the noncompliance, good cause determination, compliance, sanction/removal from aid and curing requirements that apply to one-parent households, the following applies to two-parent households:

- When initiating noncompliance on the first parent, the second parent will be notified of the participation requirements using the [Notice to Other Parent \(WTW 4\)](#).
- After the first parent is sanctioned/removed from aid, the second parent is required to participate, unless he/she qualifies for a WTW exemption.
- Participation by the second parent does not cure the first parent's sanction/removal from aid.
- When the second parent is required to participate, he/she is subject to sanction/removal from aid, unless he/she has good cause or is exempt from participation.
- When the second parent is being sanctioned/removed from aid, the [Sanction and Removal of the Other Parent's Needs \(NA 845\)](#) notice will be issued to initiate the noncompliance process.
- The second parent will be issued the [Sanction of Other Parent After Failed Compliance Plan \(NA 816\)](#) notice when he/she agrees to a compliance plan but fails to complete it.
- Each parent is required to request to cure his/her own sanction/removal from aid and sign his/her own curing plan to have aid restored.
- When the second parent is participating in WTW due to the first parent's sanction/removal from aid and the first parent cures the sanction/removal from aid, one of the parents may stop participating or reduce participation without being subject to a sanction/removal from aid as long as the required hours are met.
- When both parents in a two-parent household are sharing the WTW requirements and both fail/refuse to comply, each parent will need to be sent the [Sanction of Mandatory Participant \(NA 840\), Continuation Sanctions](#)

[Budget \(NA 1242\)](#), [Request for Good Cause Determination \(WTW 27\)](#), [Request to Stop A WTW Sanction \(WTW 31\)](#), and [Notice to Other Parent \(WTW 4\)](#) to initiate the noncompliance process. If good cause does not exist and they do not agree to a compliance plan or agree to it but fail/refuse to complete, both parents will be sanctioned/removed from aid simultaneously.  
**NOTE:** The budget will reflect the reduction of both parents in the grant computation on each of the NA 840 notices.

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## WTW EXEMPT INDIVIDUALS

CalWORKs applicants and recipients may request to be exempt from WTW participation verbally or in writing. When the individual is determined to be exempt, he/she is not required to participate in WTW as a condition to receive CalWORKs assistance.

Exemptions may be granted retroactively. If an individual is sanctioned/removed from aid at the time an exemption is granted, the sanction/removal from aid will be lifted and aid will be restored retroactively to date the exemption was granted.

Refer to [Welfare-to-Work Exemptions \(Policy 100-F1\)](#) for more information.

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## EXEMPT VOLUNTEERS

An exempt individual who volunteers to participate in WTW is required to sign a [Welfare-to-Work Plan Activity Assignment \(WTW 2\)](#).

The noncompliance process will be initiated using [Welfare-to-Work Plan - Suspension of Volunteer/Good Cause Determination \(NA 841\)](#) notice to establish good cause if the exempt volunteer fails/refuses to meet the [WTW 2](#) requirements although a sanction/removal from aid may not be imposed.

If the individual agrees to the compliance plan and fails to complete it, the [Taking You out of WTW - Suspension of Volunteer/Compliance Plan \(NA 818\)](#) notice is required. The [NA 818](#) also informs the exempt volunteer that WTW participation and supportive services will terminate.

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**SATISFACTORY PARTICIPATION**

An individual required to participate in WTW will be informed that satisfactory progress shall be maintained in the assigned activities and the required number of hours shall be met. The [WTW 2](#) will include the number of hours, name, schedule, address, and the duration for each activity. Prior to beginning participation and completing the [WTW 2](#), the participant is to be informed that failure/refusal to demonstrate satisfactory participation will result in a sanction/removal from aid unless the failure/refusal is due to a learning disability, medical reason, or good cause exists.

Refer to the [Policy 211- Welfare-to-Work Plan](#) for information on the WTW plan.

Refer to the [Policy 208- Satisfactory Progress in Educational Activities](#) for information on the satisfactory participation requirements for educational activities.

Refer to the [Policy 202- Work Participation Hours and Activities](#) for information on the satisfactory requirements for work activities.

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**COMMUNICATION**

The noncompliance process requires the involvement of the assigned Case Manager (CM), Employment and Eligibility Specialist (EES), and Supervisors. Communication is vital for the success of this process. Communication will be maintained via the [CalWORKs/Welfare-to-Work Communication Document \(F063-41-70\)](#).

CalWIN Case Comments are to be updated by each worker during each step of the noncompliance process to ensure all staff working with the participant have a clear understanding of the situation.

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**DEFINITIONS**

The [Noncompliance Process Definitions List](#) provides definitions to terms related to this policy.

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**NOTICES AND**

The noncompliance process requires that multiple notices/forms

## FORMS

be issued by different workers during the various steps in the process.

The [Noncompliance Process Notices and Forms List](#) includes the required notices/forms, the location where the documents can be generated, the worker responsible for issuing the document, and the document's purpose.

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## ATTACHMENTS/ LINKS

- [Initiate Noncompliance \(Attachment 240-A\)](#)
  - [Good Cause Determination \(Attachment 240-B\)](#)
  - [Compliance \(Attachment 240-C\)](#)
  - [Sanction/Removal from Aid \(Attachment 240-D\)](#)
  - [Curing a Sanction/Removal from Aid \(Attachment 240-E\)](#)
  - [Noncompliance Process Definitions List](#)
  - [Noncompliance Process Notices and Forms List](#)
  - [Regional Fraud Investigation Referral \(F063-30-74A\)](#)
  - [CalWORKs/RCA/TCVAP/Foster Care Aid Code Guide \(WT5\)](#)
  - [Supportive Services Referral and Information Form \(F063-41-121\)](#)
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## REFERENCES TO POLICIES

- MPP 42-709, 42-721
- ACL 03-59, 04-47, 06-27, 08-38, 15-03, 15-18, 15-62, 15-80
- ACIN I-47-15, I-13-16, I-13-16E
- [Policy 100-B8 - Two-Party Check Issuance](#)
- [Policy 100-F1 - Welfare-to-Work Exemptions](#)
- [Policy 100-H4 - Fraud Referrals](#)
- [Policy 202 - Work Participation Hours and Activities](#)
- [Policy 207 - WTW 24 Month Time Clock](#)
- [Policy 207-B - WTW 24-Month Time Clock Extension Criteria and Removal From Aid Process](#)
- [Policy 208 - Satisfactory Progress in Educational Activities](#)
- [Policy 211 - Welfare-to-Work Plan](#)
- [Policy 228 - Multi-Disciplinary Team](#)
- [Policy 301 - Child Care Eligibility and Application Process](#)
- [Policy 401 - Behavioral Health Services](#)
- [Policy 402 - Domestic Abuse Services](#)
- [Policy 407 - Family Stabilization Program](#)
- [Sanction Request Review Processing Guide](#)
- [Noncompliance Process Resource Guide](#)