



A Tradition of Stewardship
A Commitment to Service

NAPA COUNTY HEALTH AND HUMAN SERVICES AGENCY
Self Sufficiency Services Division

POLICY AND PROCEDURE:

WTW Exemptions

REVIEW FREQUENCY:

Every two years

POLICY # 2000601-2033-19

DISTRIBUTION:

- Employment Services
- Eligibility Services
- Quality Mgmt

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APPROVAL: Janice Bautista 10/11/19
 Eligibility Services Manager Date

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APPROVAL: Lynn Perez 10/14/19
 SSSD Deputy Director Date

APPROVAL: Jim [Signature] 10-14-19
 HHSA Director Date

POLICY STATEMENT:

It is the policy of the Napa County Health and Human Services Agency (NCHHSA) to assist participants in determining the best possible path for a participant to reach self-sufficiency.

ADMINISTRATION:

- Eligibility Specialist (EW)
- Employment Services Worker (ESW)
- Mental Health Counselor (MHC)
- Social Worker (SW)

DEFINITIONS:

None

END OF POLICY

PROCEDURE

I. **Welfare-to-Work (WTW) Exemptions**

- A. All participants in the WTW program are required to participate in WTW activities unless they are exempt or excused from the WTW program.
- B. A participant is exempt from the WTW program when they meet one of the following criteria:
 1. An individual who is 60 years of age or older
 2. Disability
 - a. An individual who has a mental or physical disability is exempt when the following conditions exist:
 - 1) The disability is expected to last at least thirty (30) calendar days, **AND**
 - 2) The disability significantly impairs the individual's ability to be regularly employed or participate in WTW activities.
 - b. To qualify for a disability exemption the participant shall do all of the following:
 - 1) Provide verification from a doctor (as defined in MPP 42-701.2(d)(2)) that includes the disability, the expected duration of the disability, and the extent to which the disability impairs employment and/or participation in WTW activities, **and**
 - 2) Submit verification that the participant is seeking appropriate medical treatment for the disability, as verified by a doctor.
 - i. If the participant prefers that the ESW obtain this information on the participant's behalf, the ESW shall have the participant sign a release of information, if not already signed, to contact the doctor or medical provider.
 3. Aided Non-Parent Caretaker caring for a child at risk of placement in Foster Care
 - a. An aided nonparent caretaker relative who has primary responsibility for providing care for a child is exempt when he/she is caring for a child who:
 - 1) Is a dependent or ward of the court,
 - 2) Is receiving Kin-GAP benefits, **or**
 - 3) The county has determined is at risk of placement in foster care.
 - b. To qualify for this exemption, the ESW shall determine that his/her caretaking responsibilities:
 - 1) Are beyond those considered normal day-to-day parenting responsibilities, **and**
 - 2) Impair the caretaker relative's ability to be regularly employed or to participate in WTW activities.
 4. Care of an ill or incapacitated member of the household
 - a. A participant is exempt when his/her presence in the home is required because of the illness or incapacity of another member of the household.
 - b. To qualify for this exemption, the ESW shall determine that the caretaking responsibilities impair the ability of an individual to be regularly employed or to participate in WTW activities.
 5. Care of a Child
 - a. A 19 year old custodial parent, who has no high school diploma or equivalent and is not participating in Cal-Learn, does not qualify for this exemption.
 - b. A parent or other relative who has primary responsibility for personally providing care to one child from birth to 23 months old, is eligible to an exemption
 - 1) This exemption is only allowed once in a lifetime.

- c. A parent or other relative who has primary responsibility for personally providing care to a child sixteen (16) weeks or younger, shall qualify for an exemption.
 - 1) This exemption may only be used once, however does not need to be for the 1st born child.
 - d. A parent or other relative who has primary responsibility for personally providing care to a child twelve (12) weeks or younger, shall be exempt.
 - 1) This exemption shall be used after using the initial sixteen (16) week exemption as listed in Section I.B.5.c above.
 - e. In a two-parent household, the Care of a Child shall only apply to one parent.
6. Pregnancy
- a. A woman who is pregnant is exempt if the pregnancy impairs her ability to be regularly employed or participate in WTW activity.
 - 1) This exemption shall be supported by medical verification that the pregnancy impairs the woman's ability to be regularly employed or participate in WTW activities.
 - b. An ESW may also grant an exemption when the ESW determines that participation will not readily lead to employment or that a training activity is not appropriate.
 - 1) Pregnancy must be medically-verified, however impairment does not need to be medically verified.
7. VISTA Volunteer
- a. A participant is exempt if he/she is a full-time volunteer in the Volunteers in Service to America (VISTA) program.
 - 1) This exemption is supported by either of the following:
 - i. A copy of a Domestic Volunteer Earnings Statement, **or**
 - ii. A written verification from the VISTA sponsor or the Federal Region IX ACTION/VISTA office.

II. WTW Excused from Participation

- A. A participant is excused from the WTW program when they meet one of the following criteria:
- 1. A Cal-Learn teen enrolled in the Cal-Learn program.
 - a. These teens are subject to the Cal-Learn program requirements
 - 2. A second parent in a two-parent assistance unit, when the first parent is meeting the required participation hours for the household.
 - 3. A non-minor dependent (NMD) if the NMD meets one or more of the following requirements:
 - a. Enrolled in and working towards completing high school or an equivalency program.
 - b. Enrolled at least half-time in post-secondary or vocational school, or enrolling for the next available term.
 - c. Participating in a program or activity that promotes or removes barriers to employment
 - d. Employed at least 80 hours per month.
 - e. Incapable of enrollment or participation in school or employment due to a documented medical (physical, mental, or emotional) condition.
 - 4. A parent in an assistance unit that includes an optional stepparent, when either the stepparent or the natural or adoptive parent is meeting the required participation hours for the household.

III. Determining WTW Exemptions

- A. When an ESW receives information that a participant has either met one of the WTW exemption reasons, or the participant informs the ESW that they are not able to participate in WTW activities, the ESW shall review for a potential WTW exemption.
- B. Upon request of a WTW exemption the ESW will:
 - 1. Explain the exemption process to the participant.
 - 2. Provide the participant with a CW 2186A – CalWORKs Exemption Request form to complete and return.
 - a. Verbal requests are valid and should be documented in the C-IV Journal.
 - 3. Provide the participant with necessary forms to help determine exemption.
 - a. Provide a CW2200 – Request for verification, giving the participant ten (10) days to provide.
 - 4. Inform the participant of the necessary verification that is needed to approve an exemption.
 - 5. Document in C-IV Journal the request for an exemption.
- C. If a participant does not turn in necessary verification, the exemption is denied. The ESW will:
 - 1. Send the CW 2186B – CalWORKs Exemption Determination form taking action to deny the exemption
 - 2. Schedule a WTW appointment to assign a WTW activity.
- D. If a participant turns in verification of the exemption the ESW will:
 - 1. Review the verification to determine if it is sufficient.
 - 2. Contact the medical provider if additional information is needed for a disability exemption.
 - 3. Determine if participant meets the criteria of an exemption.
 - a. When the medical provider states the participant can participate for a number of hours and that number of hours meets the minimum requirements of the participant's participation requirement then the exemption shall be denied.
 - 1) If restrictions are listed, the ESW must locate an activity that can accommodate the restrictions in order for the exemption to be denied.
- E. If the participant will be granted the exemption the ESW shall:
 - 1. Complete and send the CW 2186B – CalWORKs Exemption Determination form and provide the date in which the exemption will end.
 - a. The form should be completed no later than fifteen (15) calendar days after receipt of the exemption request.
 - 1) This response time may be exceeded in situations where completion of the determination is delayed because of circumstances beyond the control of the ESW, including delay on the part of the examining doctor to provide the necessary information.
 - i. When the response is delayed, the ESW must document in the C-IV Journal the cause for delay.
 - b. The expected end date should be based on the exemption verification received from the participant's doctor. For cases in which the participant's doctor has stated in writing that the condition is permanent or chronic with no end date, the ESW shall establish an appropriate re-evaluation time period that is no later than one year from the date of exemption approval.
 - 2. Provide the participant with the CW 2208 – Your WTW 24-Month Time Clock notice to inform of any necessary adjustments to the WTW 24-Month Time Clock.

3. If an exemption is approved retroactively, the ESW shall inform the EW to send the CW 2187 – Your CalWORKs 48-Month Time Limit.
 - a. EW shall review all time on aid prior to sending the CW 2187.
 4. For participants who have a disability exemption that will last twelve (12) months or longer, the ESW shall encourage or assist the participant in applying for Social Security Disability Income (SSDI) or Supplemental Security Income (SSI).
 5. Monitor the Cash Aid Time Limit Month Detail page in C-IV to ensure exemption is showing for the month(s) of aid exemption is approved for.
- F. If the participant will be denied the exemption the ESW shall:
1. Complete and send the CW 2186B – CalWORKs Exemption Determination form informing of denial and list the specific reason for the basis of the denial.
 - a. This should be completed no later than fifteen (15) calendar days after receipt of the exemption request.
 - 1) This response time may be exceeded in situations where completion of the determination is delayed because of circumstances beyond the control of the ESW, including delay on the part of the examining doctor to provide the necessary information.
 - i. When the response is delayed, the ESW must document in the C-IV Journal the cause for delay.

IV. Retroactive Approval of Disability Exemptions

- A. When the ESW receives a completed CW 2186A and the required disability verification components, the ESW must grant the disability exemption.
- B. If the participant's condition impaired their ability to be employed or participate in WTW activities and the participant provides verification that they were actively seeking treatment prior to the exemption request date, the exemption must be granted retroactively for the month(s) that verification is provided.
 1. Refer to Attachment # 1, Example 2
- C. If there is a delay in granting the exemption due to reasons outside the participant's control (i.e. delay on the part of an examining doctor to provide necessary information or County error), and during the delay the participant's condition impaired the participant's ability to participate in WTW activities, at the time all proper verification is submitted, retroactivity must also be applied based on the date the participant began treatment for the disability.
 1. Refer to Attachment #1, Example 1
- D. If granting of the disability exemption results in the participant no longer being sanctioned and being added back into the Assistance Unit, the participant must receive underpayments for those sanctioned months which the participant was verified as qualifying for the disability exemption.
 1. Refer to Attachment #1, Example 2
- E. The Cash Aid Time Limit Month Detail Page in C-IV must be updated to reflect the retroactive exemption for the month(s) in which the exemption is approved for.

V. Mental Health CW 61 Process

- A. When a participant requests an exemption from the WTW program due to a Mental Health condition only, the ESW will:
 1. Discuss with the participant if they have a current Primary Care Physician (PCP).
 - a. If no current PCP, continue process.

- b. If participant has a current PCP, however is willing to see a PCP at the OLE Health office co-located with Health and Human Services (HHS), continue process.
 - c. If participant has a current PCP that is not at the OLE Health office with HHS, and the participant wants to obtain information from current PCP, do not continue with this process. Provide the participant with a CW 61 – Authorization to Release Medical Information form and a CW 2200 – Request for Verification form to return the form in ten (10) days.
 2. Explains the exemption process to the participant.
 3. Has the participant complete the Release of Information portion on the CW 61.
 - a. ESW does not provide the participant with a copy of the CW 61 at this time.
 4. Schedules a 1.5 hour appointment, for the participant, with the Mental Health Counselor (MHC) for a mental health CW 61 review.
 5. Provide the MHC the partially completed CW 61 form with the SSSD 3058 – Behavioral Health Referral Form.
 6. Document all actions taken in the C-IV Journal
- B. After referral, the MHC shall:
1. Conduct a full mental health CW 61 review with the participant at the scheduled appointment.
 - a. If the participant is a no show, the MHC will schedule a second appointment.
 - b. If the participant fails to show for the second appointment, the MHC will refer the participant back to the ESW.
 2. MHC scheduled an appointment with the PCP at OLE Health with HHS to review the CW 61.
 - a. MHC provides information to the PCP in regards to the findings on the full mental health evaluation and makes recommendations for need for an exemption, length of exemption, and potential participation ability.
 3. MHC provides the PCP with the CW 61 form to be completed and returned to the MHC.
 4. Upon return of the CW 61 from the PCP to the MHC, the MHC will schedule a case conference with the referring ESW to review the results.
 5. If found to have a mental health exemption, the MHC will monitor that the participant is seeking treatment and submit the case for re-evaluation to the PCP at scheduled review dates.
- C. If the participant informs the ESW that they do not want to follow this process **or** fails to meet with the MHC, the ESW shall send the CW 61 to the participant with a CW 2200 requesting return of the CW 61 within ten (10) days.
- D. If the participant is found to not be exempt due to a mental health condition, the ESW will schedule the participant to the next activity, taking into consideration any mental health services that should be provided.
- E. For participants who obtain a CW 61 through their own PCP and a mental health only exemption is approved, the ESW shall provide a copy of the CW 61 to the MHC to monitor that the participant is seeking treatment and submit the case for re-evaluation to the PCP at scheduled review dates.

VI. Exempt Volunteers

- A. A participant who is exempt from participating may volunteer to participate in WTW activities and may end that participation at any time, without being sanctioned, provided the participant's exemption status has not changed in a way that requires participation.
- B. Exempt volunteers are not subject to meeting the required weekly hours of participation.

- C. Volunteers are eligible to receive supportive services for any activity agreed upon by the ESW.
- D. Volunteers who fail to participate in agreed upon activities, will go through the non-compliance process and may not be eligible to volunteer or receive supportive services.
- E. Refer to the Exempt Volunteer Policy and Procedure for additional information on exempt volunteers criteria and participation.

VII. Reviewing and/or Ending Exemptions

- A. A participant’s exemption shall be reviewed at the time the condition is expected to end, or sooner if there is reason to believe that the participant’s condition has changed or improved to a point where the participant may no longer qualify for the disability exemption.
- B. Approved exemptions shall be re-evaluated at the time the exemption end date approaches to determine if an exemption shall continue. The ESW shall:
 - 1. Contact the participant to determine if there is a change in situation.
 - 2. If required, send the participant a request for information to obtain any verification needed to continue the exemption eligibility six (6) to eight (8) weeks prior to the exemption end date.
 - 3. If exemption is to be continued, the ESW shall send a new CW 2186b with an updated exemption end date.
 - 4. If the exemption is expected to end, the ESW shall schedule the participant and appointment to assign the appropriate WTW activity.
- C. Upon ending exemptions, the ESW will review the time on aid screen in C-IV to ensure that the exemption has properly ended.

REFERENCES:

- ACIN [I-38-15](#) – Clarification on Pregnancy and Young Child Related Exemptions.
- ACL [12-72](#) – SB 1041 – Extension of Short Term Changes and New Young Child Exemption
- ACL [13-52](#) – Young Child Exemption Clarifying Guidance
- ACL [15-08](#) – WTW Program Guidance for Disability Exemptions
- Exempt Volunteers Policy and Procedure
- MPP [42-712](#)

FORMS

- CW 61 – Authorization to Release Medical Information
- CW 2186A – CalWORKs Exemption Request Form
- CW 2186B – CalWORKs Exemption Determination Form
- CW 2187 – Your CalWORKs 48-Month Time Limit
- CW 2200 – Request for Verification
- CW 2208 – Your Welfare-to-Work 24-Month Time Clock
- SSSD 3058 – Behavioral Health Referral

CONTACT PERSON(S):

Shanna Gardner, Staff Services Analyst

END OF PROCEDURE

REVISION HISTORY:

Revision	Date	Description of Change	Requested By
0.0	05-30-19	Procedure Created. Sent out in 30 day working draft.	S. Gardner, SSA
0.1	09-24-19	No changes. Released in final draft	S. Gardner, SSA

Example 1

On October 1, 2013, Ms. Smith informs her ESW that she has become ill and is unable to participate in WTW activities. The ESW sends Ms. Smith the CW 2186A and CW 61 (to be completed by her doctor). On October 12th, Ms. Smith returns a doctor's note to the ESW which states that Ms. Smith has a disability that impairs her ability to work or participate in WTW activities, and that she is now working with her doctor to create a plan to treat her condition. The ESW then asks Ms. Smith to request from her doctor the expected time period the disability will last, or to sign a release for the ESW to request this information directly from the doctor. Ms. Smith chooses to sign a release. There is a delay by the doctor's office in returning the requested verification to the ESW. On December 15th, the ESW is able to verify that the condition is expected to last for the next six (6) months.

The ESW grants the exemption and adds months back towards Ms. Smith's CalWORKs 48-month time limit and (if applicable) the WTW 24-Month Time Clock retroactively to October 2013 (October 2013, November 2013, and December 2013 would be un-ticked).

Example 2

Ms. Johnson has been sanctioned since June 1, 2013, due to failing to participate in Job Club and/or Job Search. On November 15, 2013 Ms. Johnson brings in a note from her psychologist that says she is suffering from a condition that impairs her ability to participate in WTW activities. The psychologist also states that they began treating Ms. Johnson as a patient on October 5, 2013, and expects that they will need to continue treating Ms. Johnson for at least six (6) more months.

Ms. Johnson is granted a disability exemption retroactively back to the month of October 2013 and prospectively. Sanction is lifted back to October 2013 and prospectively. The participant is not entitled to retroactive payments prior to October 2013 because she did not provide verification that she actively sought treatment for her illness prior to October 2013. Any resulting underpayment is first used to offset any existing overpayments for the Assistance Unit.