

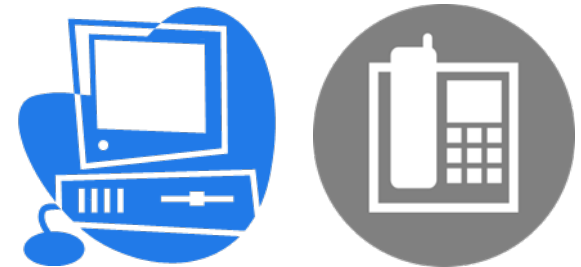


# ABAWD Policy 101

## ABAWD Webinar Training Series

# How to Listen in

- This webinar will be held in “listen only” mode
- There are two ways to listen
  - Via computer
  - Via telephone



# Asking Questions



- Use the question box to ask your question any time during the presentation.
- At the end of the presentation, we will address as many questions as possible.
- ***Note: This webinar will be recorded. A copy of the recording and all presentation materials will be provided after the presentation.***

# ABAWD Webinar Training Series

Webinar	Date	Time	Registration Link
<b>CalFresh Work Registration</b>	January 28, 2020	1:00 – 2:30 PM	<a href="https://attendee.gotowebinar.com/register/4822050484245905154">https://attendee.gotowebinar.com/register/4822050484245905154</a>
<b>ABAWD Policy 101</b>	February 4, 2020	1:00 – 2:30 PM	<a href="https://attendee.gotowebinar.com/register/7217060587937373186">https://attendee.gotowebinar.com/register/7217060587937373186</a>
<b>ABAWD Engagement</b>	February 26, 2020	1:00 – 2:30 PM	<a href="https://attendee.gotowebinar.com/register/5983309585526385154">https://attendee.gotowebinar.com/register/5983309585526385154</a>

# Background

- ABAWDs are eligible to no more than three full months of CalFresh benefits in a 36-month period, unless they are exempt from the time limit or are satisfying the work requirement.
- The SNAP time limit was implemented as part of federal welfare reform.
- The USDA, Food and Nutrition Service (FNS) published the Final Rule, *Supplemental Nutrition Assistance Program: Requirements for Able-Bodied Adults without Dependents* on December 5, 2019.

# Overview of Final Rule

## Waiver Criteria

- Redefines ABAWD Waiver Areas
- Imposes Two Core Standards
- Effective April 1, 2020

## Discretionary Exemptions

- Eliminates current banked exemptions
- Limits carryover moving forward
- Effective October 1, 2020

# Agenda

## ❖ **Background**

- 36-month period & the fixed statewide clock
- Time limit waivers
- Tracking

## ❖ **Overview of CalFresh Work Registration and the ABAWD Time Limit policies**

## ❖ **Key Policy Topics**

- Identifying ABAWDs
- ABAWD Exemptions
- Satisfying the ABAWD Work Requirement
- Ongoing ABAWD Eligibility
- Discretionary Exemptions

## ❖ **Q&A**

# Background

- The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA)
- Able-Bodied Adults Without Dependents (ABAWDs) limited to 3 months of SNAP benefits in any 36-month period



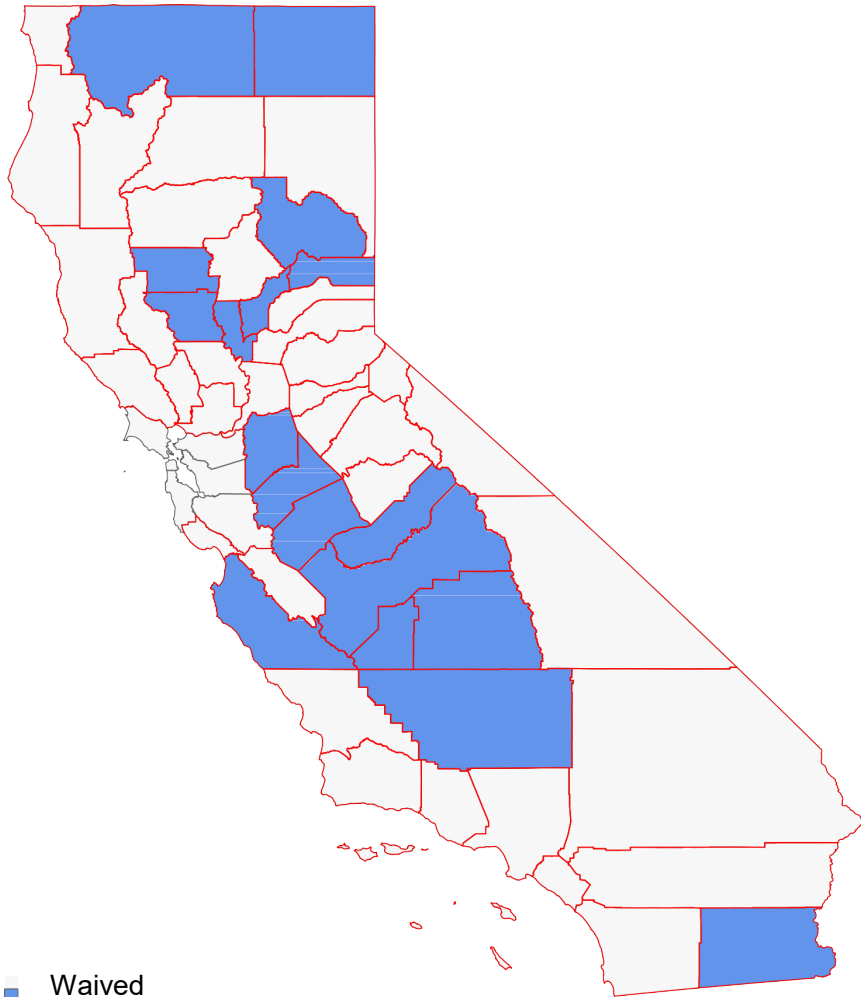


# 36-Month Period & Fixed Clock

- January 1, 2017 - California implemented a “Fixed Statewide Clock”
- This option is a fixed 36-month period with a definite start and stop date for every ABAWD statewide
- Continues uninterrupted regardless of whether the ABAWD is meeting the work requirement, exempt, etc.
- California’s current 36-month period began on January 1, 2020 and ends December 31, 2022.



# ABAWD Time Limit Waivers



■ Waived  
Counties

- Waivers granted based on 24 months of unemployment rate data
  - CDSS applies for waivers on behalf of all counties that qualify
- CA currently under a partial waiver
  - Implementing counties – Alameda, Contra Costa, Marin, San Francisco, Santa Clara, San Mateo
  - Expires March 31, 2020
- Next waiver = pending

# Work Registration and the ABAWD Time Limit

**CalFresh  
Recipients**

**Work  
Registrants**

**ABAWDS**

**ABAWDS  
Subject to the  
Time Limit  
(non-Exempt)**

# CalFresh Work Registration



- Applies to people who are:
  - Age 16 - 59
  - Working under 30 hours per week
  - Do not qualify for an exemption from work registration
- Requires:
  - The individual to be “Registered” for work
  - Accept suitable employment if offered
  - Not voluntarily quit or reduce work hours below 30 per week

# ABAWD Time Limit Rules

- ABAWD eligibility is limited to 3 full, countable months within a 36-month period
- Applies to individuals that:
  - Are 18-49,
  - Have no dependents, and
  - Do not qualify for an exemption.
- Requires:
  - ABAWDs to work or participate in a qualifying work activity for 20 hours per week, averaged monthly; 20 hours per week averaged monthly means 80 hours per month.



# ABAWD Tracking

- For each month in the 36-month period the CWD must track each ABAWD's participation status, including:
  - Exemption status
  - Use of any countable months
  - Use of three consecutive months
  - Fulfillment of the work requirement
  - Use of a discretionary exemption
- Tracking only begins for ABAWDs who are subject to the time limit and continues for the remainder of the 36-month period.



# ABAWD Tracking

- ABAWD participation is tracked in the Statewide Automated Welfare System (SAWS) and the Medi-Cal Eligibility Data System (MEDS)
  - MEDS = accessible across all three consortia
  - INQG Screen
- Monthly status is tracked using various codes
  - Sample status codes:
    - N = Did not meet the work requirement - countable month
    - E = Exempt
    - 9 = Inactive/Ineligible
    - W = Satisfied the work requirement



# Example 36-Month Calendar



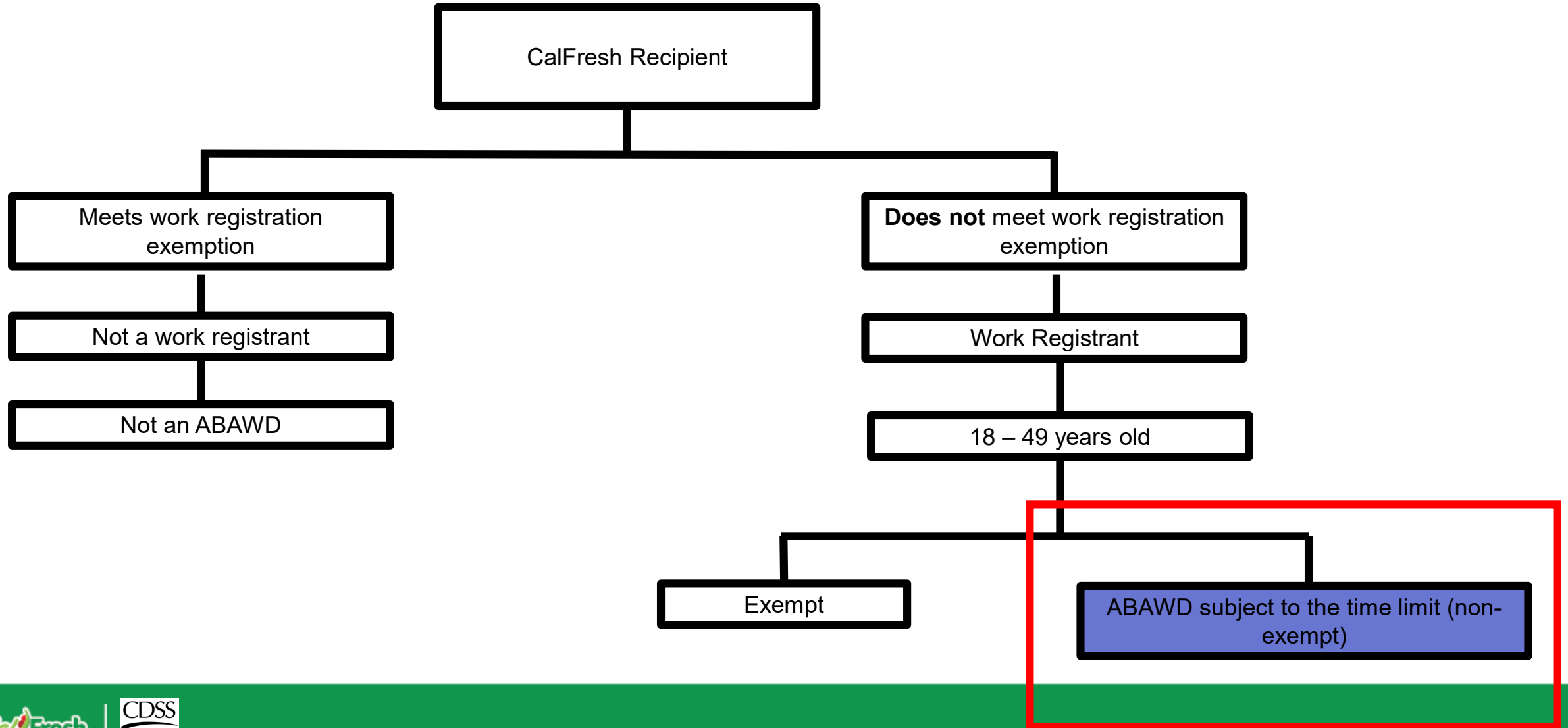
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Year 1	P	W	W	W	W	W	W	W	W	W	W	W
Year 2	W	W	W	N	W	W	N	N	W	W	W	W
Year 3	W	W	W	W	W	W	W	W	W	W	W	W

P = Received partial month of benefits; W = Met the work requirement;  
 N = Received countable month

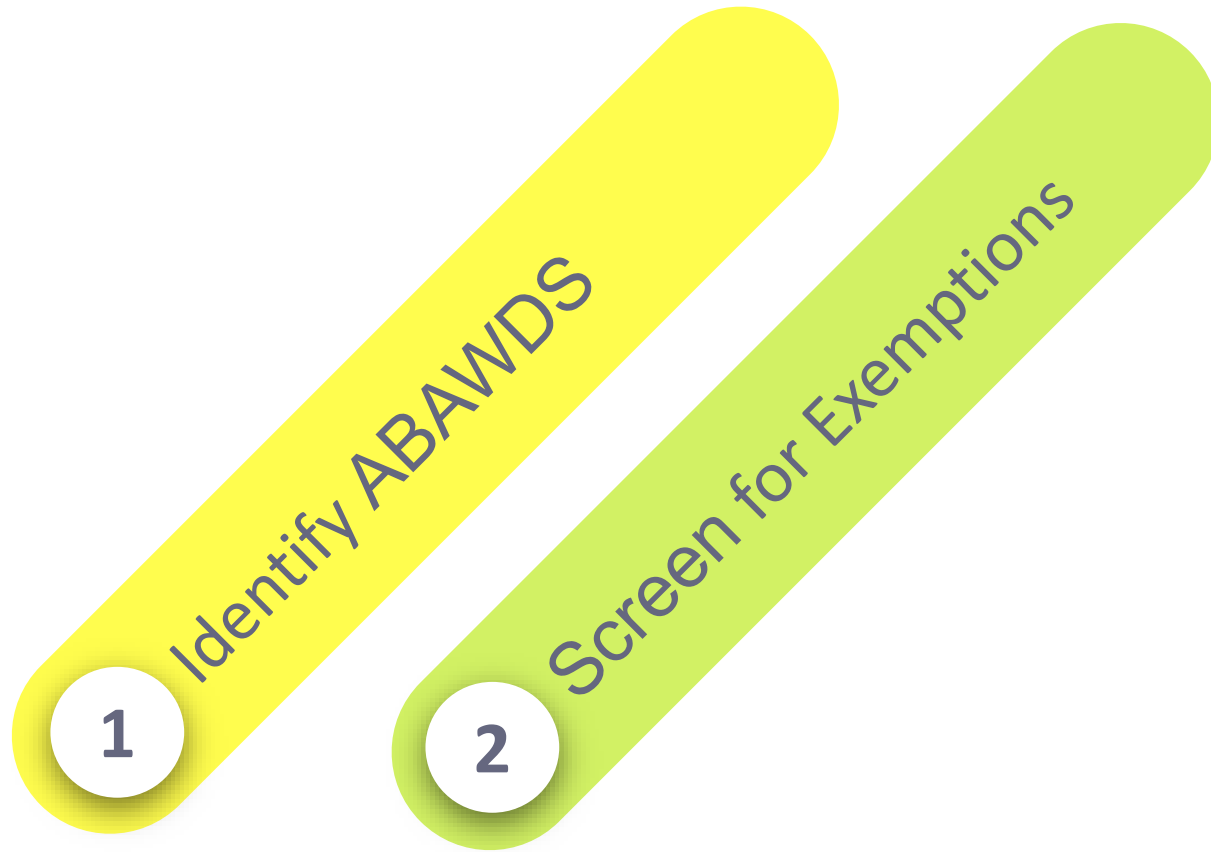
# Three-Step Process

1 Identify ABAWDS

# Step One: Identify ABAWDs



# Three-Step Process



# Step Two: Screen for Exemptions

Effective Screening

## Existing Caseload

- Utilize information in the casefile
- Build screening (both identifying ABAWDs and determining exemptions) into ongoing business process

## New Applicants

- ABAWD Screening Tools
- Client Education
- Community Partners

# Step Two: Screen for Exemptions

- Identification of ABAWDs exempt from the time limit is **CRITICAL**.
- Many ABAWDs face significant barriers to employment.
- Good exemption screening = less ABAWDs subject to the time limit = less benefits lost and reduced county workload.



# ABAWD Time Limit Exemptions

1. Exempt from work registration
2. Age - under 18 or over 49
3. Medically certified as physically or mentally unfit for work
4. Residing in a CalFresh household with a member under age 18
5. Pregnant

# 1. Exempt from Work Registration

- Because ABAWDs are subset of work registrants, counties must apply work registration exemptions first
  - System automation is being updated to support this
- Work registration exemptions are only assessed at application and recertification



# Work Registration Exemptions

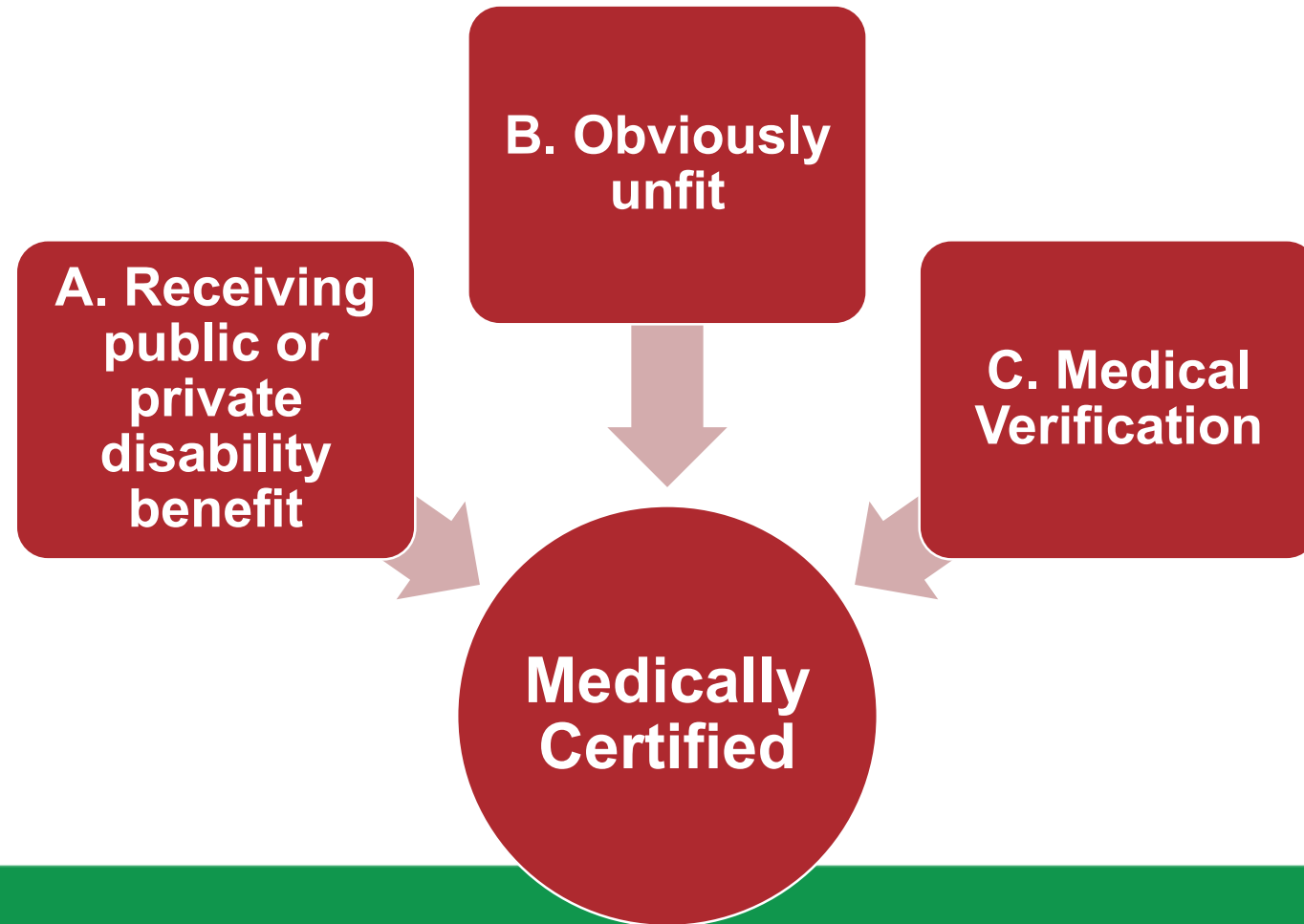
<b>Under age 16 or over 59</b>	<b>Caring for an incapacitated person or dependent child under age 6</b>
<b>Attending school or enrolled in an E&amp;T Program at least half time</b>	<b>Receiving or has applied for unemployment</b>
<b>Physically or mentally unfit for employment</b>	<b>Participating in a drug or alcohol treatment program</b>
<b>Complying with requirements of Welfare to Work</b>	<b>Employed or self-employed for a minimum of 30 hours per week, receiving weekly earnings equal to the federal minimum wage x 30 hours</b>

## 2. Age – Under 18 or Over 49

- May be considered an ABAWD the month after their 18<sup>th</sup> birthday
- No longer considered an ABAWD beginning the first day of the month of their 50<sup>th</sup> birthday.



# 3. Medically Certified as Physically or Mentally Unfit for Employment



# A. Receiving Public or Private Disability Benefits

- Applied for or receiving temporary or permanent, public or private disability benefits
- Sources including but not limited to:
  - Veteran's disability benefits (any rating)
  - Workers compensation
  - Supplemental Security Income (SSI)
  - State-issued temporary or permanent disability benefits
- Verification:
  - Proof of receipt or pending application
  - May be known to county

# B. Obviously Unfit for Work

- Determined by the eligibility worker during the intake interview – either face to face or via telephone
  - Examples include:
    - Observing that a person has an injury
    - Noting that a client is having trouble following the interview or is asking incoherent questions
    - Severe dental issues
    - Personal hygiene issues
    - Etc.



# Indicators of Obvious Unfitness

- **Experiencing chronic homelessness**
- **Drug and alcohol abuse**
- **Domestic violence**



Indicators  $\neq$  Exemption

# Experiencing Chronic Homelessness

- CalFresh definition of homelessness: lacking a fixed or regular nighttime residence
- Individual is considered chronically homeless if they meet the current CalFresh definition of homelessness and if they:
  - Have been homeless 6 months or more;
  - Have been homeless more than one time in the last year; or
  - State they are unable to meet their basic needs. Basic needs include, but are not limited to:
    - Adequate shelter, heating and cooling, electricity, running water, food, and clothing
- **MUST** be tied to a physical or mental unfitness to be exempt



# Drug or Alcohol Addiction

- Do not have to be participating in a treatment program to qualify for this exemption
- **MUST** be tied to a physical or mental unfitness

# Victims of Domestic Violence

- Defined as an individual who is a victim of any type of assaultive, coercive or battering behavior occurring within a domestic relationship
- Note: this policy is not restricted to just an intimate partner. It could apply to other relationships (e.g., sibling, parent, friend, etc.).
- **MUST** be tied to a physical or mental unfitness

# C. Medical Verification

- If the unfitness is not obvious, the CWD must secure medical verification of the unfitness.
- **Required Verification:**
  - CalFresh Request for Medical/Mental Health Verification form (under development)
  - Written or verbal statement from a medical or mental health professional
    - Including: physicians, nurse practitioners, dentists, social workers, etc.



# 4. Residing In a CalFresh Household With a Member Under Age 18

- Household means part of the CalFresh household
  - Child can be an ineligible member of the CalFresh household for any reason
  - Child can be temporarily absent from the home (no longer than 30 days)
- The individual is:
  - Not required to be the parent of the child
  - Not required to be responsible for the child
- **Verification:**
  - Known to County



# 5. Pregnancy

- Pregnant
  - Any stage of pregnancy
  - Effective beginning the month of conception and applies until (and includes) the month of the child's birth
- **Optional Verification:**
  - Client statement is sufficient



# Final Thoughts on ABAWD Exemptions

- Indicators ≠ Exemption
  - **MUST** be tied to physical or mental unfitness
- Verification is flexible
  - Case narration is required
  - Always the option to verify questionable information
- Temporary vs. Permanent
  - Exemptions typically granted for the length of the certification period
- Retroactive changes



# Three-Step Process



**CalFresh  
Recipients**

**Work  
Registrants**

**ABAWDS**

**ABAWDS  
Subject to the  
Time Limit  
(non-Exempt)**



# Satisfying the ABAWD Work Requirement

- ABAWDs subject to the time limit can satisfy the work requirement in several ways.
- Including, but not limited to participating in qualifying work activities such as:
  - Employment;
  - CalFresh Employment and Training;
  - WIOA Programs;
  - Programs under section 236 of the Trade Act of 1974;
  - Community Service/Volunteer Work; and
  - Workfare



# Employment

- Paid Employment
- Self-Employment
- In-Kind Work - Work in exchange for goods or services
  - Examples:
    - Performing maintenance work in exchange for reduced housing costs
    - Babysitting in exchange for toiletries or other household items
    - Painting a neighbor's house in exchange for mechanical repairs on a vehicle

**Required Hours:** 20 hours per week or 80 hours per month on average; combinable with other qualifying activities



# CalFresh Employment and Training

- E&T components that satisfy the work requirement are referred to as qualifying activities
  - Components that do not satisfy the work requirement are referred to as non-qualifying activities
- Qualifying activities consist of
  - workfare,
  - work experience,
  - self-initiated workfare,
  - education, and
  - vocational training.
- Non-qualifying E&T activities consist of:
  - stand-alone job club and job search components
    - May be used for up to 9 hours



# WIOA Programs

- WIOA Programs include:
  - Job Search
  - Occupational skills training
  - On-the-job training
  - Job readiness training
  - Adult education and literacy activities



**Required Hours:** 20 hours per week or 80 hours per month on average; combinable with other qualifying activities

# Programs Under Section 236 of the Trade Act of 1974

- Applies to workers identified by the Employment Development Department (EDD) as adversely affected by U.S. trade agreements
- Provides training to adversely affected workers through participation in programs subject to approval by the Secretary of the U.S. Department of Labor.
- These programs include
  - Job search;
  - Job club;
  - On-the-job training;
  - WIOA training; or
  - Remedial education programs.

**Required Hours:** 20 hours per week or 80 hours per month on average; combinable with other qualifying activities

# Community Service and Volunteer Work

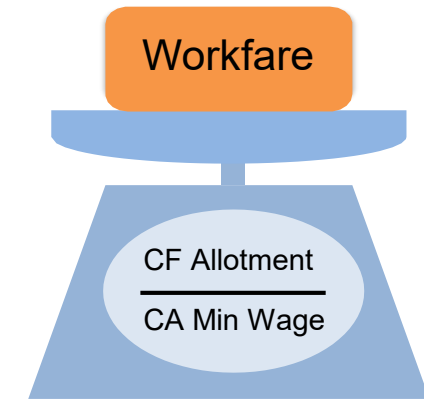
- ABAWDs may use community service or volunteer hours to satisfy the work requirement
  - Agencies which accept volunteering must be willing to verify hours worked
  - Verification form in progress



**Required Hours:** 20 hours per week or 80 hours per month on average; combinable with other qualifying activities

# Workfare

- Various types of workfare
  - CalFresh E&T workfare
  - Comparable non-E&T workfare activities
- Required monthly hours are calculated based on the household's CalFresh allotment divided by the state or local minimum wage
  - CWDs may use the highest minimum wage available: State, County, or City
  - Round down to the nearest hour



**Required Hours:** CalFresh household allotment ÷ state (or local if higher) minimum wage; cannot be combined with other qualifying work activities.

# Workfare Hours Calculation



- Example:
  - Sarah's CalFresh allotment is \$192/month
  - CA minimum wage = \$12.00/hour
  - $\$192 \div \$12.00 = 16$  hours per month





# Ongoing ABAWD Eligibility Rules



# Identifying a Countable Month

- Any month in which an ABAWD receives a full month of CalFresh benefits while NOT:
  - Exempt
  - Satisfying the ABAWD work requirement
  - Living in a waived county or area
  - Receiving a discretionary exemption
- ABAWDs are only allowed 3 countable months during the 36-month period.



# Identifying a Non-Countable Month

- Any month in which the individual:
  - Satisfies the ABAWD work requirement;
  - Receives a prorated/partial month of benefits;
  - Qualifies for an exemption during any part of the month;
  - Receives a discretionary exemption; or
  - Has good cause

Does **NOT** count toward the three month time limit



# Good Cause

- May be determined for those who fail to meet the work requirement for reasons outside of their control

- Includes, but is not limited to:

- Illness (personal or of another household member)
- Household emergency
- Lack of transportation
- Disaster



- Good cause provisions can be found at MPP 63-410.221 and 63-407.51

# Non-Countable Month Examples

- An ABAWD individual applies for benefits on the 15th and receives a prorated benefit allotment
  - Non-countable (Partial Month)
- An ABAWD individual is sick with the flu for part of the month causing her to miss some work and not satisfy the work requirement for that month
  - Non-countable (Good Cause)



# Sample 36-Month Record: Consecutive Use of Countable Months



	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Year 1	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z
Year 2	Z	Z	Z	Z	Z	Z	Z	Z	N	N	N	9
Year 3	9	P	W	W	W	W	W	C	C	C	W	W

P = Received partial month of benefits; W = Met the work requirement;  
 N = Received countable month; C = three consecutive months; Z= Residing in a waived area; 9 = Inactive/Ineligible



# Sample 36-Month Record: Non-Consecutive Use of Countable Months

Non-consecutive use of countable months with breaks in participation

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
2020	N	W	W	W	W	W	W	W	9	9	9	9
2021	P	W	W	W	N	W	W	W	W	N	W	W
2022	W	W	W	W	W	W	C	C	C	9	9	9

P = Received partial month of benefits; W = Met the work requirement;  
 N = Received countable month; C = three consecutive months; Z= Residing in a waived area; 9 = Inactive/Ineligible

# Inter-county Transfers



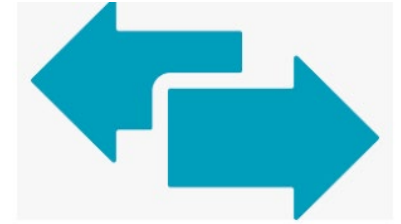


# Moving within the State

- Certain counties may retain their ABAWD time limit waivers
- Moving **DOES NOT** restart the 36-month period or the 3 month time limit
- The record remains with the client until a new 36-month period begins
- Counting months is based on the waiver eligibility of where the client resides



# Moving within the State



- When an ABAWD moves to a non-waived county, the **receiving** county is responsible for determining the ABAWD's status
  - ABAWD status must be determined the month the ICT is complete
  - Is the ABAWD satisfying the work requirement? Exempt?
- **Receiving** county must screen the ABAWD individual for exemptions
- The **receiving** county is now responsible for tracking the ABAWD individual

# Moving to a Waived Area

- An ABAWD is no longer subject to the time limit if they move to a waived area
  - They do not need to satisfy the work requirement
- May again be CalFresh eligible if they meet all other CalFresh eligibility criteria

**waived**



# Moving to a Non-Waived Area

- The ABAWD will be subject to ABAWD time limit rules
- The individual must:
  - Satisfy the ABAWD work requirement,
  - Qualify for an exemption, or
  - Receive a discretionary exemption
- CalFresh benefit months will be countable



# Required Mid-Period Report

- ABAWDs subject to the time limit are required to report mid-period or when their hours drop below 20 hours per week or an average of 80 hours per month within 10 days
- CWDs will be required to take action on all mandatory reports which may result in:
  - Re-evaluation of exemption status
  - Good Cause Determination
  - Use of the discretionary exemption
  - Application of a countable month
  - Application of the three consecutive months
  - Discontinuance



# Exhaustion of Countable Months

- An ABAWD that has exhausted their 3 countable months will be discontinued
- Ineligible for CalFresh the month after the last countable month is received
  - Single ABAWD CalFresh households:
    - Case will be discontinued
  - ABAWD in CalFresh household with other eligible members:
    - The ineligible ABAWD will be excluded from the CalFresh benefits.
- The ABAWD must become exempt, regain eligibility, or move to a waiver county to once again be eligible for CalFresh.

# Noticing Requirements

- The notice must:
  - Inform ABAWD households of the time limit, work requirement and ABAWD exemptions
  - Inform ABAWD households of the reporting requirement to inform the CWD of a drop in work hours
  - List those months for which the ABAWD failed to satisfy the work requirement
  - Provide that the individual may present evidence that demonstrates the work requirement was satisfied for the months listed on the notice
  - Specify how the individual may regain eligibility

# Regaining Eligibility

- An ABAWD may regain eligibility by:
  - Satisfying the work requirement for any 30 consecutive days,
  - Qualifying for an exemption during any part of the month,
  - Moving to a waived county/area, or
  - Reaching the end of the 36-month period.
- Unlimited
- Must submit a new application
  - Must submit proof of hours worked if regaining through employment or other qualifying activity
  - New certification period
  - Countable months do not start over





# Additional Three Month Eligibility



# Three Consecutive Months

- ABAWDs may be granted an additional three consecutive months of CalFresh eligibility
- Limited circumstances
  - Must have regained eligibility by satisfying the work requirement and then subsequently stopped meeting the work requirement
- Available only once during the 36-month period
- Must be used consecutively

+3

# Example – Three Consecutive Months



	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
2020	P	N	N	N	9	9	9	P	W	W	W	W
2021	W	W	C	C	C	9	9	9	9	9	9	9
2022	9	9	9	9	9	9	9	9	9	9	9	9

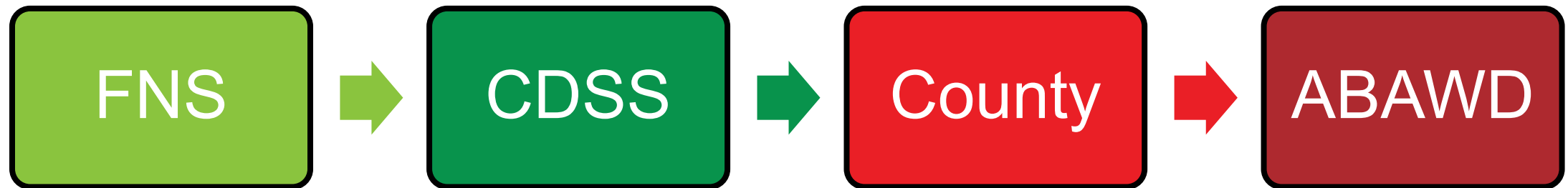
P = Received partial month of benefits; W = Met the work requirement; N = Received countable month; G = Good Cause; Z = Residing in waived area; C= Three consecutive months; 9 = Inactive/Ineligible

# Discretionary Exemptions

# Background

- Formerly known as 15 percent or percentage exemptions – now referred to as discretionary exemptions
- 2018 Farm Bill – Reduced allocation to 12 percent
  - Individual exemptions equal to 12 percent of a State’s caseload of ABAWDs subject to the time limit (not exempt)
- Allows selected ABAWDs to receive CalFresh benefits beyond the three countable months
- Recognition that the ABAWD work requirement is difficult to meet for some participants and complicated to implement
- One discretionary exemption = One month of CalFresh benefits for one ABAWD

# Discretionary Exemption Allocation Flow



# Final Rule Changes to Discretionary Exemptions

- Current carryover eliminated if not allocated to ABAWDs prior to October 1, 2020
- Moving forward, the carryover of discretionary exemptions is limited to one year after the initial allocation
- Indefinite accumulation no longer allowed

# Overuse of Discretionary Exemptions

- Codifies discretionary exemption overuse policy
- If more discretionary exemptions are used than what was allocated, the number of overused exemptions will be deducted from the allocation the following year
- If the negative balance is not fully offset, FNS will hold the state liable for the remainder



# Discretionary Exemption Criteria Guidelines

- These criteria guide the use of discretionary exemptions at the county level
- Criteria includes but is not limited to:
  - Overissuance/Error Protection
  - Eligibility Extension
  - Special Circumstances



# Overissuance/Error Protection

- Discretionary exemptions can be granted to individuals who:
  - Were inadvertently issued CalFresh benefits after exhausting their three countable months,
  - Did not satisfy the work requirement, or
  - Did not qualify for an exemption
- The CWD may assign a discretionary exemption, rather than establish an overissuance claim.



# CalFresh Eligibility Extension

- Eligibility may be extended for ABAWDs who make an effort to satisfy the work requirement
  - For example, worked 10-19 hours a week versus 20



# Special Circumstances

- The CWD may provide a discretionary exemption to ABAWDs in the following special circumstances:
  - Re-entry/Probation/Criminal Record
  - Seasonally Employed
  - Dependent Child Ages Out
  - Former Foster Youth
  - Family Reunification
  - Close to qualifying for an exemption or no longer being considered an ABAWD
  - Exonerated Persons



# Applying Discretionary Exemptions

- Order of operations
- First, does the ABAWD qualify for an exemption from the time limit?
  - If yes, stop here. This client is exempt from the ABAWD time-limit
- Next, can good cause be determined?
  - If yes, stop here. This client would have satisfied the work requirement had it not been for their specific circumstance
- If neither of these apply, a discretionary exemption may be applied

# Resources

- CalFresh Work Registration
  - [ACIN I-01-13](#) – Policies and Procedures For CalFresh Work Registration
  - [MPP 63-407](#) – Work Registration Requirements (CalFresh Regulations)
  - [7 CFR 273.7](#) – Work Provisions (Federal Regulations)
  
- ABAWD Time Limit
  - [ACL 19-93](#) – CalFresh Able-Bodied Adults Without Dependents Time Limit Handbook Version 2.0
  - [MPP 63-410](#) – Work Requirements for ABAWDs (CalFresh Regulations)
  - [7 CFR 273.24](#) – Time Limit for Able-Bodied Adults (Federal Regulations)
  - [USDA FNS ABAWD Page](#)



# Q&A Session



**Thank you!**

