

ASSEMBLY THIRD READING  
AB 310 (Arambula)  
As Amended March 23, 2023  
Majority vote

## SUMMARY

Makes various changes to the current California Work Opportunity and Responsibility to Kids (CalWORKs) Act and welfare-to-work (WTW) requirements.

### Major Provisions

- 1) Removes allowance of a family receiving CalWORKs with a child who is considered to be deprived of parental support or care due to unemployment to continue to receive assistance regardless of the number of hours his or her parent works, provided the family does not exceed the applicable gross or net income limits and is otherwise eligible for assistance.
- 2) Revises the requirement for counties, when administering CalWORKs, to prioritize families achieving the greatest possible reduction of dependency and to promote the rehabilitation of recipients, to instead require counties to administer the program in a manner that achieves the greatest possible improvement in the family's circumstances.
- 3) Repeals the requirement that recipients of aid must perform a sequence of employment-related activities required of recipients, and instead allows a recipient to participate in other specified employment-related activities.
- 4) Removes requirements to obtain a high school degree, as specified, and instead allows participation to obtain a high school degree for a custodial parent.
- 5) Removes the requirement, if a county provides services to the recipient after the 60-month limit has been reached, for the participant to participate in community service or subsidized employment.
- 6) Provides that sanctions cannot be applied for a refusal to participate in work activities when the recipient states that there are physical, mental, emotional, or other family circumstances, or labor law bases, that cause them to not participate, and the county shall instead offer, but not require, referrals to barrier-removing services.
- 7) Allows CalWORKs participants to satisfy one, or a combination of work, education, training, and other activities that address the family's goals and well-being in a family assistance plan.
- 8) Expands education opportunity requirements.
- 9) Adds to list of approved family assistance plan activities.
- 10) Removes provisions related to work requirements for pregnant women.
- 11) Adds that activities provided by the county shall also include activities that enhance the family's well-being.
- 12) Repeals WTW activity hour requirements.

- 13) Removes obsolete language about 24-month aid limitation that became inoperative.
- 14) Provides that if supportive services are unavailable for a work activity that the participant would engage in, the county shall not consider the participant to have refused to participate in any work activity.
- 15) Adds cost of transportation to childcare to the list of services that a county must provide.
- 16) Requires the county to review the availability of supportive services, and, in conjunction with the participant, determine which services are necessary to enable participation in the initial discussion of participation in work activities.
- 17) Revises provisions to authorize the recipient and the county to enter into a WTW plan as late as 90 days after the completion of the job search activity, if the job search activity is initiated within 30 days after the recipient's eligibility for aid is determined, and instead requires the county to provide the recipient with a plan form within 60 days after the date eligibility for aid is determined, or the date the recipient chooses to participate in family assistance activities wherein the recipient may select the activities and the number of hours they want to participate in, including any and all available support services.
- 18) Revises the requirement for the plan to include the activities and services that will move the individual into employment.
- 19) Requires the county to allow the participant 30 working days instead of the current three working days after completion of the plan or subsequent amendments to the plan in which to evaluate and request changes to the terms of the plan.
- 20) Removes the requirement for any assignment to a program component to be reflected in the plan or an amendment to the plan and for the participant to maintain satisfactory progress toward employment through the methods set forth in the plan, and for the county to provide specified services, and instead requires the county to regularly review the plan with the participant to ensure that the plan accurately reflects the current services and participation activities best suited to support the participant's well-being.
- 21) Repeals job search requirements to be eligible for aid.
- 22) Permits a recipient to participate in family stabilization if the family is experiencing an identified situation or crisis that is destabilizing the family.
- 23) Repeals the requirement that if activities to be provided under the plan between the county welfare department and the participant are not immediately available to the participant, he or she shall receive job search activities until the education or training services designated in the plan are available.
- 24) Requires a substance abuse treatment plan be developed in a manner that is consistent with the county's family assistance program with treatment services available to any family member while on aid who opts to receive these services.
- 25) Removes provisions permitting a participant who is in a job search component of the county's WTW program to be directed at any time to an assessment by the job search

manager if the county believes that the participant's substance abuse may limit or preclude his or her satisfactory completion of the job search component.

- 26) Removes the prohibition of a recipient from participating in a substance abuse treatment program for longer than six months without concurrently participating in a work activity, as determined by the county and the recipient, in consultation with the treatment provider.
- 27) Removes the requirement for counties to conduct a reappraisal of who does not obtain unsubsidized employment upon completion of all activities included in the WTW plan developed. Further removes the requirement to allow additional activities to be assigned or termination in aid based on the assessment.
- 28) Removes the ability for counties to issue sanctions when a participant is not compliant of the program for good cause.
- 29) Removes references to a "failure to comply" with program requirements, and instead references "refusal to comply".
- 30) Establishes that if the recipient continues to refuse to participate in any work activity after the county outreach attempts, the county must issue a notice of action effective no earlier than 30 calendar days from the date of issuance informing the individual that a sanction will be imposed if the individual continues to refuse to participate in any work activity. The recipient may indicate a willingness to participate in person, by mail, email, or fax, or online.

## COMMENTS

For a detailed description of this bill and background see the Assembly Human Services Committee's analysis.

*CalWORKs welfare-to-work requirement.* Unless deemed exempt, an adult in a one-parent assistance unit is required to participate in WTW activities for an average of 30 hours per week or, in the case of someone who is pregnant or parenting a child under age six, an average of 20 hours per week, monthly. In a two-parent assistance unit, one or both adults must participate in WTW activities for a combined average of 35 hours per week. WTW activities include participation in subsidized and unsubsidized employment, community service, adult basic education, community college, job skills, training, mental health counseling, substance abuse treatment, domestic abuse services, or other activities necessary to assist recipients in obtaining employment. If a CalWORKs recipient who is not exempt from participation does not meet the WTW requirements, the recipient may be sanctioned, and that recipient's portion of the family's grant may be subtracted from the amount provided to the family. The state compels CalWORKs recipients by issuing sanctions as a "stick." If a family has failed or refused, as defined by current law, to participate, without "good cause," in the WTW plan arranged with their county, which is a condition of aid, then families face sanctions or penalties pausing their aid. In order to cease the sanction, a receipt must sign and agree to a plan and then execute the planned work-related activities which can be the same activities previously agreed upon, or new, appropriate ones for 30 days or the length of the activity, whichever is less.

*Racist history of public assistance and work requirements.* Work requirements can be traced back to the Great Depression's first public assistance programs. In the 1930s, states withheld assistance from Black families to force them to work, and enacted "farm policies" forcing Black

families, but not White families, out into the fields at harvest time. In 1943, Louisiana denied applicants or recipients of aid if they were needed in the cotton fields—including children as young as seven. (*Center on Budget and Policy Priorities, 2021*)

In the 1960s, Congress enacted a national work requirement and required states to make the appropriate families participate in work and training programs. A study released by the U.S. Department of Health, Education, and Welfare found that Black mothers participating in Aid to Dependent Children (renamed Aid to Families with Dependent Children) were almost twice as likely to work as their White counterparts. During the "Work Incentive Program" hearing in Congress in 1967, the newly established National Welfare Rights Organization (NWRO) organization which was led by mostly Black women, including chairwoman Johnnie Tillmon, testified before congress that women wanted to work, but health impediments and children were a barrier and that wages were not sufficient to feed her family. Ultimately, the Work Incentive Program became the first federal work mandate. Despite the "welfare queen" narratives popularized by during his 1976 presidential race, a 1977 report by the U.S. Labor Department, *"What Has Been Learned From the Work Incentive Program and Related Experiences: A Review of the Research with Policy Implications"* concluded, "welfare recipients and other low-income persons (along with most Americans) have a strong work ethic, want to work and, when feasible, do work. There is no study which shows that a significant segment of the American population prefers indolence to work."

In 1988, the Family Support Act of 1988 significantly expanded work requirements and reduced payments for those who did not participate. In 1996, TANF was established into what it is today enacting the strictest work requirements yet, and added Supplemental Nutrition Assistance Program work requirements.

*Equity Implications:* In *"Harmful Obstacles: CalWORKs Work Participation Rate (WPR) Penalty"*, the Budget Center discusses the following current realities for the CalWORKs population. According to the report, CalWORKs parents face a labor market in which gender- and race-based discrimination is ongoing, as well as workplace expectations and practices that make it difficult for parents to balance work with caregiving responsibilities. These dynamics significantly affect CalWORKs parents, who are predominantly women, people of color, and parents of young children. Furthermore, the labor market increasingly requires a secondary degree to obtain a job that pay as living wage, yet almost half of CalWORKs recipients do not have a high school degree. Thus, obtaining gainful employment that will provide a living wage is increasingly difficult. As described above, reevaluating how to view families using public assistance allows California to reconsider the best ways to help lift families out of poverty in a meaningful and long-term manner. Expanding WTW activities to focus on the overall family's wellbeing and the long-term gains including education in tradition and career-focused training programs, will have a lasting impact on those who currently qualify for public assistance and help the future of individuals who might need public assistance in the future.

### **According to the Author**

"CalWORKs for too long has used discriminatory language and penalties against the very people the program is trying to help secure a better life. [This bill] will transform CalWORKs by changing its culture to one that empowers families through personal attention and support. We must do a better job of meaningfully connecting parents with support services to keep families whole, safe, healthy, housed, and fed. We want parents to succeed in working toward a better life for themselves and their children."

**Arguments in Support**

Proponents write, "...While California has made strides to remove barriers to the CalWORKs program, the program remains deeply flawed as a product of federal law and its own history of racist welfare legislation... AB 310 undoes these historical harms through several critical reforms, including to:

- 1) Eliminate or reduce sanctions to federal minimums - ensuring parents have the income to afford critical necessities like food, rent, utilities, and school supplies
- 2) Shift CalWORKs' rigid work-first focus only on adults to a "family assistance" model enabling counties to quickly offer supports tailored to parents and children
- 3) Move from a punitive, compliance approach to a process that respects and meets family's needs
- 4) Expand work activities to include a wide variety of anti-poverty related activities necessary for families in crisis; and
- 5) Eliminate the Work Participation Rate pass-through to remove the specter of financial penalty on counties and make clear that family well-being and long-term success are the program's guiding goals."

**Arguments in Opposition**

No opposition on file

**FISCAL COMMENTS**

According to the Assembly Appropriations Committee on May 17, 2023, estimated ongoing General Fund costs likely in the high tens of millions of dollars, or more, annually resulting from the changes made pursuant to this bill. These costs include federal penalties of up to 5% of the state's TANF block grant, increasing over time, for failure to meet federal WPRs.

**VOTES****ASM HUMAN SERVICES: 5-2-1**

**YES:** Jackson, Arambula, Bryan, Calderon, Garcia

**NO:** Sanchez, Alanis

**ABS, ABST OR NV:** Bonta

**ASM APPROPRIATIONS: 11-4-1**

**YES:** Holden, Bryan, Calderon, Wendy Carrillo, Mike Fong, Hart, Lowenthal, Papan, Pellerin, Weber, Ortega

**NO:** Megan Dahle, Dixon, Mathis, Sanchez

**ABS, ABST OR NV:** Robert Rivas

**UPDATED**

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