



CDSS

WILL LIGHTBOURNE
DIRECTOR

STATE OF CALIFORNIA—HEALTH AND HUMAN SERVICES AGENCY
DEPARTMENT OF SOCIAL SERVICES

744 P Street • Sacramento, CA 95814 • www.cdss.ca.gov



EDMUND G. BROWN JR.
GOVERNOR

August 1, 2012

ALL COUNTY LETTER NO. 12-37

TO: ALL COUNTY WELFARE DIRECTORS
ALL CALFRESH PROGRAM SPECIALISTS
ALL CalWORKs PROGRAM SPECIALISTS
ALL CONSORTIA REPRESENTATIVES
ALL QUALITY CONTROL COORDINATORS

SUBJECT: CALFRESH WAIVER TO AVERAGE STUDENT WORK HOURS

REFERENCE: CALFRESH WAIVER #2120016; MANUAL OF POLICIES AND PROCEDURES (MPP) 63-406.211

The purpose of this All County Letter (ACL) is to provide County Welfare Departments (CWDs) with instructions for averaging the work hours of those students enrolled in higher education. The United States Department of Agriculture (USDA), Food and Nutrition Service (FNS) has approved the Department's waiver request allowing student work hours to be averaged in the determination of CalFresh eligibility (see attached).

Currently, MPP 63-406.211 states that students must be enrolled at least half time in an institution of higher education and be employed for a minimum of 20 hours per week and be paid for this employment in order to be eligible for CalFresh benefits. Under this waiver, students whose employment hours fluctuate from week to week will be considered to have met the minimum work hour requirement as long as they reasonably anticipate maintaining an average of 20 work hours per week or 80 hours per month. CWDs must review student work hours at recertification or when the student reports any changes in work hours. Students certified under this waiver will still need to meet all other applicable CalFresh eligibility requirements.

Effective October 1, 2012, CWDs are to begin using this process at intake and recertification. For cases currently certified, CWDs must review student work hours when the student reports changes in work hours.

REASON FOR THIS TRANSMITTAL

- State Law Change
- Federal Law or Regulation Change
- Court Order
- Clarification Requested by One or More Counties
- Initiated by CDSS

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If you have any questions regarding this waiver, please contact your CalFresh county consultant or call the CalFresh Policy Bureau at (916) 654-1896.

Sincerely,

Original Document Signed By:

TODD R. BLAND
Deputy Director
Welfare to Work Division

Attachment



**United States
Department of
Agriculture**

Food and
Nutrition
Service

Western Region

90 Seventh St.
Suite 10-100
San Francisco, CA
94103

SNAP-10-6/Waiver #2120016

April 25, 2012

Ms. Linda Patterson, Chief
Cal Fresh Branch
744 P Street, MS 16-32
Sacramento, CA 95814-5512

Dear Ms. Patterson:

This is in response to the California Department of Social Services' (CDSS) request to waive 7 CFR 273.5(b)(5), which requires that students enrolled at least half time in an institution of higher education work at least 20 hours per week in order to be eligible for Supplemental Nutrition Assistance Program (SNAP) benefits. CDSS is proposing to instead average student work hours for determining SNAP eligibility. Under this waiver, students whose employment hours fluctuate from week to week will be considered to have met the minimum work hour requirement as long as they maintain an average of 20 work hours per week or 80 hours per month.

The Food and Nutrition Service (FNS) is approving this waiver for a period of two years, effective October 1, 2012, through September 30, 2014, or until changes to the regulation are published that make the waiver unnecessary. The approval of this waiver is subject to the conditions included in the enclosed waiver response. Our approval shows that the waiver will be implemented on October 1, 2012, as planned by CDSS.

If you have any questions regarding this waiver, please contact Lisa Kim via e-mail at lisa.kim@fns.usda.gov or at 415 645-1914.

Sincerely,

A handwritten signature in black ink, appearing to read "Dennis Stewart".

DENNIS STEWART
Regional Director
Supplemental Nutrition Assistance Program
Western Region

Enclosure

cc: Michael J. Papin, CDSS, CalFresh Policy Bureau
Lisa Kim, PO/QC, SNAP, WRO
Dawn Baker, QC, SNAP, WRO
CA SPO, POI, SNAP, WRO

WAIVER RESPONSE

1. **Waiver serial number:** 2120016
2. **Type of request:** Initial
3. **Primary regulation citation:** 7 CFR 273.5(b)(5)
4. **Secondary regulation citation:** None
5. **State:** California
6. **Region:** WRO
7. **Regulatory requirements:** 7 CFR 273.5(b)(5) states that for students who are enrolled in higher education, one eligibility criterion is that the student:

“Be employed for a minimum of 20 hours per week and paid for such employment or, if self-employed, be employed for a minimum of 20 hours per week and receiving weekly earnings at least equal to the Federal minimum wage multiplied by 20 hours.”

This measurement of work hours cannot be averaged and is a week-by-week measurement based on an individual working a minimum of 20 hours per week.
8. **Description of proposed alternative procedures:** Under the waiver, California Department of Social Services (CDSS) would average students’ work hours to take into account student work schedules that fluctuate to accommodate classes and employer needs. This waiver allows for students whose employment hours fluctuate from week to week to be considered otherwise eligible, provided they maintain an average of 20 work hours per week or 80 hours per month.
9. **Action and reason for approval or denial:** The Food and Nutrition Service (FNS) is approving this waiver request because it will allow CDSS to extend eligibility to many working students, thereby promoting the efficiency of SNAP operation and participation throughout the State.
10. **Regulatory or legislative basis for action:** Approval is based on 7 CFR 272.3(c)(1)(ii), which allows FNS to approve waivers that would result in a more effective and efficient administration of the program.
11. **Conditions and reasons:** The State agency must review student work hours at recertification or when the student reports any changes in work hours. Students certified under this waiver will still need to meet all other applicable SNAP eligibility requirements.

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12. **Information required for extension:** None
13. **Expiration date:** This waiver is approved for two years, from October 1, 2012 to September 30, 2014, or until final regulations are published to revise 7 CFR 273.5(b)(5) to provide for averaging in the regulation itself.
14. **Limitation, if any, on regional office approval of like requests:** This waiver is limited to the California DSS.
15. **Quality control (QC) procedures:** No special QC procedures are required for cases subject to the provisions of this waiver. Cases should be reviewed using standard review procedures contained in the FNS Handbook 310.
16. **Date of State agency's request:** March 7, 2012
17. **Date of regional office transmittal of request to national office:** March 12, 2012
18. **Date of national office action:** April 9, 2012
19. **Date of regional office transmittal of response to State agency:** April 16, 2012
20. **Actual implementation date:**