


**Determining a Need
Schedule for Set and
Unpredictable Schedules**

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CALIFORNIA DEPARTMENT OF EDUCATION
Tom Torlakson, State Superintendent of Public Instruction



AGENDA

- Need Criteria
- Need in General
- Documentation to determine employment need
- Documentation for Need in General
- Set Schedules
- Unpredictable Schedules
- Questions from field


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NEED CRITERIA

- **Employment – APMU 8.1**
- **Self Employment – APMU 8.6**
- **Seeking Employment – APMU 8.11**
- **Vocational Training – APMU 8.15**
- **Parental Incapacitation – APMU 8.20**
- **Child Protective Services – APMU 8.24**
- **Seeking Permanent Housing – APMU 8.26**


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NEED


- Per 5 CCR 18085.5 (b) Subsidized child care and development services shall only be available to the extent which:
 - The parent meets a need criterion as specified in subdivision (a) that precludes the provision of care and supervision of the family's child for some of the day;
 - There is no parent in the family capable of providing care for the family's child during the time care is requested; and
 - Supervision of the family's child is not otherwise being provided by school or another person or entity



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NEED


The certified hours of care as indicated on the Notice of Action (NOA) and/or Child Care Certificate must include and correspond with the hours and days established by the supporting need documentation within the basic family data file.



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NEED EMPLOYMENT


Does the documentation indicate the pay period, days, and hours of employment (e.g. payroll check stubs, employer verification, contact with employer, etc) (5 CCR, Section 18086[b])?



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NEED EMPLOYMENT

- Does the parent have a release authorizing the contractor to obtain information regarding days and hours worked; **OR**
- A declaration signed under penalty of perjury indicating such a request for employment documentation would adversely affect their employment (5 CCR sections 18086[b][2][F] and 18086[d])?




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NEED EMPLOYMENT

Per 5 CCR 18086(b)(2), contractors are to verify employment by doing one of the following:

- (A) Secure a written statement from the employer;
- (B) Telephone the employer and maintain a record, or
- (C) If the provided pay stubs indicate the total hours of employment and if the contractor is satisfied that the pay stubs have been issued by the employer, specify ...the days and hours of employment to correlate with the total hours of employment and the parent's need.




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SET SCHEDULE EXAMPLES

- Documentation indicates Parent works M-F 8:00 a.m. to 6:00 p.m.
 - This family is eligible for care M-F 8:00 a.m. to 6:00 p.m. (plus applicable travel)
- Documentation indicates that Parent A works M-F 7:00 a.m. to 4:00 p.m. and Parent B works M-F 9:00 a.m. to 6:00 p.m.
 - This family is eligible for care M-F 9:00 a.m. to 4:00 p.m. (plus applicable travel)


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SET SCHEDULE EXAMPLES


- Parent works M-F 8:00 a.m. to 6:00 p.m. Child is dropped off for care at 7:30 a.m. and is in school from 8:00 a.m. to 3:00 p.m., then back in care until the parent picks up at 6:00 p.m.
 - The child is eligible for care M-F 3.5 hour/day =17.5 hours /week (School)
 - The child is eligible for care M-F 11 hours/day =55 hours/week (Vacation)



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SET SCHEDULE EXAMPLES


- Share examples of a set schedule and how you determined it was a set schedule.



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VARIABLE SCHEDULE


- A variable schedule is an unpredictable pattern of work because it is unpredictable, actual attendance (not enrollment) is reimbursed
- It is not the work pattern of an hourly employee which includes a few hours each week of overtime or the employee leaving early because of lack of work



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VARIABLE SCHEDULE


- Per 5 CCR 18086(D) If the variability of the parent's employment is unpredictable and precludes the contractor from verifying specific days and hours of employment or work week cycles, specify on the application for services that the parent is authorized for a variable schedule for actual hours worked, identifying the maximum number of hours of need based on the week with the greatest number of hours within the preceding four weeks...



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UNPREDICTABLE SCHEDULE


- If applicable, were the unpredictable hours of need updated at least every four (4) months (5 CCR, Section 18086[b][2][D])?



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VARIABLE SCHEDULES EXAMPLES


- Parent is expected to work only 8-12 days in the month and days are not set.
- Parent that is doing work that requires them to be on a rotating schedule. For Example rotates between day and night shifts, rotates days off, rotates over a 5 –week cycle, contractor is unable to determine the time needed for care.
- Parent who is "on call", do pick up work, or such and whose work schedule is not predictable fall into the category of variable work that requires updating at the least every 4 months, which means the parent needs to submit records regarding the time worked in the preceding 4 weeks



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UNPREDICTABLE SCHEDULE


- Share examples of unpredictable schedules and how you determined they were unpredictable.



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QUESTION FROM FIELD


- 5 CCR 18086 (D) – is not clear. This is a section that details how to authorize an unpredictable schedule
 - What does “work week cycle” mean?
 - Can agencies define for themselves?
 - To me if you are going to work 20-30 hours per week that is a work week cycle. I may not know exactly the specific days and hours but I know I am going to work each week at least 20 hours up to 30 hours.



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QUESTION FROM FIELD


- 5 CCR 18086 (D) - What is the purpose of updating the need every four months with paystubs and comparing to care utilized.
- This causes great confusion with our CES staff as the two do not always line up in a way that makes sense.



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QUESTION FROM FIELD


- 5 CCR 18086 (D) – has us always looking at past information and not at the current situation so often it is not really reflective of what the parent now needs.
- What is EESD's recommendation on ensuring the parent's current need is authorized?



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QUESTION FROM FIELD


- 5 CCR 18086 (D) – Gives direction on authorizing unpredictable need, where in Title 5 is the direction on how to reimburse these schedules?
- EESD has given direction to reimburse based on actual care used where is that in Statute?



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QUESTION FROM FIELD


- Variable schedules are difficult to accommodate in center based programs and impacts agencies earnings (not sure this applies but do we have to authorize unpredictable employment the same way for CSPP)



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QUESTION FROM FIELD


- How does “broadly consistent” play into variable schedules?
- Is that an agency decision when developing their broadly consistent policy?



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QUESTION FROM FIELD

- How are potential “after hours” addressed when authorizing a variable schedule?




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QUESTIONS



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Thank you for your participation
