

## 3.3.2 Stacking Activities

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*Legal References:*

- [RCW 74.08A.260](#)
- [WAC 388-310-500](#)

The 3.3 *IRP and Stacking Activities* section has two separate sub-sections:

- Section [3.3.1 Individual Responsibility Plan](#).
- Section 3.3.2 *Stacking Activities*. This section describes the stacking process including:
  - [3.3.2.1](#) What is stacking activities?
  - [3.3.2.2](#) What are countable core and non-core activities?
  - [3.3.2.3](#) How ~~do I~~ maximize the ~~CE-comprehensive evaluations or assessment~~ recommendations to meet WorkFirst ~~and~~ participation goals?-
  - [3.3.2.4](#) How ~~do I~~ build an Individual Responsibility Plan (IRP) that meets the Work Participation Rate (WPR)?-
  - [3.3.2.5](#) How ~~do I~~ ~~to~~ deem?-
  - [3.3.2.6](#) When do I use the local minimum wage and how do I process these cases?
  - [3.3.2.7](#) How to Deem Step-by-Step Guide

### 3.3.2.1 What are stacking activities?

Federal rules reduce funding to states that fail to meet a federal work participation rate (WPR). To meet the rates, states must have a percentage of participants in the required number of hours of countable activities each month.

[Section 1.2.1 What is participation and how is it counted](#) describes the participation requirements for participants and teens who are able to participate. Stacking goes beyond the basic participation requirements and gives guidance about how we might best meet the needs of participants, achieve the most important WorkFirst goals, and maximize our ability to meet the federal rate.

### 3.3.2.2 What are Countable Core and Non-Core Activities?

All WorkFirst activities were designed for a purpose - but not all of them count towards meeting the federal Work Participation Rate (WPR). WorkFirst activities fall into one of five broad categories:

- **Fully countable core activities** (paid and unpaid work).
- **Time-limited countable core activities** (job search, independent life skills training, issue resolution and vocational education) which only count for a limited period of time.

- **Countable Non-core activities** (skills enhancement training, high school completion or high school equivalency for participants age 20 or older), which count once a participant has met her or his core activity requirements.
- **Exemptions and exceptions**, which may count or qualify for federal participation exemptions.
- **Stabilization services**, uncountable 'X' codes that don't count towards the rate but are needed temporarily to resolve a barrier.

The [Core & Non-Core Activity chart](#) lists countable core and non-core activities.

The [Stacking Activities Chart](#) sorts WorkFirst activities by how they count towards meeting the rate, listing all exemptions, exceptions, stabilization (uncountable), and core activities. The chart gives an overall strategy for core and non-core activities you may stack to help move the participant towards employment.

### 3.3.2.3 How ~~do I~~ maximize ~~CE~~ the comprehensive evaluation or assessment r ~~Recommendations to m~~ Meet WorkFirst and p ~~Participation~~ g ~~Goals?~~

The ~~C~~ comprehensive e ~~E~~ valuation or assessment ~~(CE)~~  recommendations are designed to meet participants' needs while maximizing our ability to meet federal participation requirements and should:

- Address the participant's primary needs s and build from that.
- Start with employment, job search, or unpaid work (like Community Works) as the participant's primary activity whenever possible.
- Make strategic use of time-limited core activities, while headquarters staff maximizes the work participation count:
  - Do issue resolution and job search when needed.
  - Add activities to issue resolution to make it short-term and full-time when possible.
  - Enroll participants in job search 4 weeks at a time with work experience activities interspersed between enrollments.
  - Start vocational education once the participant is ready and help them progress to full-time.
- Stabilize the participant's situation as soon as possible if they are unable to participate in countable activities.
- Offer participation exceptions (that is, pregnancy to employment and high school completion or high school equivalency for minors/dependent teens).
- Plan ahead and use [continuous activity planning](#) to keep participants in countable activities and moving towards employment goals whenever possible. You can do this by:
  - Speeding up handoffs and start-ups.
  - Resolving sanction and re-engaging participants who have failed to participate.

- Making current activities support the participant's next steps.

### 3.3.2.4 How ~~do I to B~~ build an Individual Responsibility Plan (IRP) that ~~m~~Meets the Work Participation RRate (WPR)?

We build an IRP based on the primary activity the participant needs to progress. Some participants ~~are will be~~ exempt and others ~~will be~~ required to access stabilization services (uncountable "X" codes).

Note: Please refer to ~~section 6.3.5~~ WFHB 6.3.5 *–(How do we treat participants with medical issues who don't have Washington Apple Health?)* for participants who do ~~no~~t have Washington Apple Health (WAH) due to citizenship verification requirements AND have an activity requirement that is dependent on WAH coverage.

You can require a participant to apply for WAH in their IRP, and sanction for failure to follow through, if they are potentially eligible but have never applied or let their coverage lapse. For example, use an IRP to require WAH application for a participant who needs chemical dependency treatment but has no current WAH coverage (See WAH Application IRP for suggested IRP language.).

A few ~~parent/caregivers~~ participants, minors and teens ~~will~~ meet the rate while participating fewer hours under federal participation exceptions. Participation requirements are:

- Up to 20 hours per week of core, non-core, or uncountable activities for participants (20 and older) with reduced participation requirements under the pregnancy to employment pathway or who have a child under six years old
- Up to 20 hours per week of high school completion or high school equivalency for teen participants age 18 and 19 if they don't already have their high school diploma or high school equivalent (Hours are based on school requirements to progress towards graduation).
- Participation in high school completion or high school equivalency as per school requirements to progress towards graduation for pregnant and parenting minors age 17 and younger, unless they have a child under the age of 12 weeks old (Hours are based on school requirements to progress towards graduation).

Most ~~parents/caregivers~~ participants are able to participate and don't qualify for federal participation exemptions. You can stack activities to build an IRP that meets the rate as follows:

1. Start with 20 hours per week of core activities, and see WFHB 1.2.2 for additional information about adding an additional three hours (preferably core activity hours) in the participant's IRP when possible:
  - a. The participant can do more than one type of core activity to reach 20 hours per week. Just add a few hours of a "good match" core activity to the participant's primary core activity to meet the 20-hour requirement.
  - b. Working the FLSA maximum hours of WEX or community service meets the full core activity requirement. [See 3.3.2.5. How to Deem below]

2. Add 12-20 hours per week of countable activities:
  - a. More hours of the core activity
  - b. Add a "good match" core activity
  - c. Non-core activities (job skills training, basic education, high school completion or high school equivalency)
3. Using this formula, the participant ~~will ends~~ up with 32-40 hours total hours of participation each week.

Example: Jacques and Sarah are married with two children and on WorkFirst. Jacques is working 25 hours per week and Sarah has been staying at home with the children. Both Sarah and Jacques want to participate in WorkFirst activities. Their WorkFirst Program Specialist looks at their indicators, strengths, needs/interests, and referrals captured in the Pathway Development Tool (PDT) for their comprehensive evaluation, talks to them and develops an IRP that meets the two-parent participation requirement of 38 hours per week including three hours of strengthened participation. (~~See see~~ WFHB 1.2.2) for participation requirements).

Jacques' employment meets 25 hours of the household's 30-hour core activity requirement. Based on a review Jacques' ~~CE options~~ PDT, he selects and agrees to the option of attending job skills training classes for 6 hours per week.

Based on the results review of Sarah's ~~CE options~~ PDT, she agrees to go to job search for 32 hours per week. The household exceeds their 38 hour per week participation requirements by doing 57 hours per week of core activity and 6 hours per week of countable non-core activity.

### 3.3.2.5 How ~~to do~~ I Deem?

The Fair Labor Standards Act (FLSA) has rules that apply to participants in community service and work experience (unpaid work activities).

- Participants must have Labor and Industry Insurance coverage.
- Participants ~~can~~ not be required to work more hours than their grant plus food stamp benefits divided by the state or local minimum wage, whichever is higher, each month. We call this the "FLSA maximum hours". See section 3.3.2.6 for more information on the local minimum wage rates.

Under federal rules, participants who work the FLSA maximum hours meet their full core activity requirement. The FLSA maximum hours for the past, current and upcoming month is calculated and displayed in eJAS, and visible to contractors in the Component/Contractor/IRP Update screen via the Calculate FLSA link. To calculate FLSA hours for applicants and re-applicants, the WFPS/WFSSS enters the cash and food benefit amounts and household size. The eJAS calculation ~~will~~ defaults to the Washington State minimum wage, so if a client is subject to a higher local minimum wage the FLSA hours ~~will~~ need to be manually adjusted. See section 3.3.2.6 for more information about determining FLSA hours based on local minimum wages.

When a participant is first approved for WorkFirst cash assistance, and the participant is entering a community service or work experience activity, DSHS staff are required to use the eJAS FLSA Calculator Tool to determine the maximum number of participation hours for the current month and pass that information to community service and work experience providers. eJAS ~~will~~ starts to

calculate and display the FLSA maximum hours to all partners and contractors as soon as the calculation is saved.

Staff can use the eJAS FLSA calculator tool to calculate the FLSA maximum hours based on the participant's grant and food stamp benefits, divided by the state or local minimum wage. The result is the maximum FLSA hours for the month. The FLSA calculator tool automatically divides the monthly maximum FLSA hours by 4.33 and rounds down to determine how many hours the participant ~~will~~ performs unpaid work, on average, each week.

~~For e~~Example: Dorothy ~~agrees to participating in will be doing~~ Community Works, skills enhancement training and her FLSA maximum hours are 14 hours per week. Under FLSA we can only require Dorothy to do 14 hours per week of Community Works and that meets her 20-hour core activity requirement. Dorothy does an additional 12 hours per week of skills enhancement training to bring her up to 32 hours per week of countable participation and we add 3 additional hours of skills enhancement training (instead of Community Works) per WFHB 1.2.3 to add additional hours without exceeding the FLSA maximum.

There are special rules for deeming in two-participant families. Most important, the FLSA maximum hours apply to the entire family, not to each participant. To be classified as a two-participant family under federal rules, neither participant can be:

- An undocumented immigrant;
- Disabled (on SSI/SSA disability or with a ZD exemption); or
- Caring for a disabled family member (with a ZB or ZC exemption).

Under WorkFirst, we want each participant to participate 32-40 hours per week unless one participant is opting out, or the participants are splitting the hours, under WFHB 1.2.4. When we maximize participation at the headquarters level, we ~~will~~ use federal rules to deem 30 hours of core activities if either participant works the family's FLSA maximum hours. When we do this, the whole family ~~will~~ meets the rate if either participant does an additional 5 hours of another type of core or non-core activity.

Some families FLSA maximum hours ~~will~~ exceed 20-30 hours per week, so we ~~will not be don't~~ ~~deeming~~ additional hours. In these cases you may:

- Credit excess hours towards the additional 12-20 hours of core/non-core activities; or,
- Limit the community service/work experience to 20 hours per week so the participants can participate in other beneficial, countable activities.

See WFHB 1.2.3 for additional information about adding an additional three hours (preferably core activity hours) in the parent's IRP when possible. Don't exceed the FLSA maximum hours for unpaid work activities. You can substitute non-core hours for core hours as needed to stay within the FLSA maximum.

### 3.3.2.6 When do I use the local minimum wage and how do I process these cases?

Under FLSA and state law, DSHS must use the state or local minimum wage, whichever is higher, when determining hours of participation in unpaid work experience and community service

activities. Local ordinances are only in effect within the local government's boundaries and may only apply to some types of employment. For the purposes of FLSA deeming, DSHS is an employer.

For local minimum wage cases, the WorkFirst partner/contractor must send the local minimum wage rate to DSHS to receive the adjusted FLSA hours. The WFPS/WFSSS is responsible to calculate the adjusted FLSA hours by entering the cash grant amount, basic food allotment, and number of household members into the FLSA calculator tool. Staff must use the eJAS FLSA Calculator Tool to update participation when there is a change on the cash or food household, and as update the IRP for all local minimum wage cases.

Note: When the WFPS/WFSSS sets up the unpaid work activity, they ~~will~~ use the [FLSA Local Minimum Wage Chart](#) (for staff use only) to determine whether local minimum wage applies.

### 3.3.2.7 How to Deem Step-by-Step Guide

1. For unpaid work activities, WorkFirst staff and contractors determine if the local minimum wage rate applies using the [FLSA Local Minimum Wage Rate Chart](#).
2. When the state minimum wage applies:
  - a. For newly approved WorkFirst applicants and re-applicants, the WFPS/WFSSS uses the eJAS FLSA calculator tool on the Calculate FLSA screen to determine FLSA hours for the current month based on household size and the cash and food benefit amounts.
3. When the local minimum wage rate applies:
  - a. WF partners and contractors send the local minimum wage rate to DSHS to get the adjusted FLSA hours.
  - b. The WFPS/WFSSS:
    - i. Uses the FLSA calculator tool by entering the number of TANF/SFA members in the Basic Food household, total members in the Basic Food household, monthly grant amount, monthly Basic Food allotment into the corresponding fields to determine the maximum FLSA hours using higher minimum wage.
    - ii. Notifies the WF partner/contractor, as needed, of the adjusted hours.
    - iii. Documents local minimum wage data in ongoing eJAS notes:
      - A. Local minimum wage applies,
      - B. Local minimum wage rate, and
      - C. FLSA hours.
    - iv. Updates the IRP, as needed.
4. If there is a change in cash/food benefits during the participant's unpaid work activity:
  - a. DSHS ~~will~~ gets an eJAS Review FLSA hours notification via the CLMR.

- b. The WFPS/WFSSS ~~will~~:
  - i. Checks to see if this is a local minimum wage case, as the change in benefits may impact the maximum number of hours allowed for participation.
  - ii. For local minimum wage cases they ~~will~~:
    1. Enter the new minimum wage amount into the FLSA Calculator tool;
    2. Document (the local minimum wage, the local minimum wage rate, and the FLSA hours) in ongoing eJAS notes;
    3. Modify the IRP; and,  
—Notify the WorkFirst partner/contractor, as needed.
    - 4.
5. If the FLSA hours need to be split amongst household members:
  - a. The WFPS/WFSSS:
  - b. Selects Parent 2 by name from the drop down box on the Calculate FLSA for AU screen and enters the number of participation hours.
  - c. Clicks on Split Hours to generate the FLSA hours for Parent 1 and Parent 2 (Total monthly hours will be rounded down).

## Resources

### Related WorkFirst Handbook Sections~~Chapters/Attachments~~

- 1.2 Required Participation
- ~~3.1 Resolving Issues—Overview~~6.1 Resolving Issues - Overview
- 3.2.1 Comprehensive Evaluation
- ~~WAH Application IRP~~

### Forms & Other Resources

- DSHS 14-381, WorkFirst Individual Responsibility Plan (IRP) (~~Shana software must be installed to use this form.~~)
- WAH Application IRP

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