



# PROPOSED RULE MAKING

## CR-102 (June 2012)

(Implements RCW 34.05.320)

Do **NOT** use for expedited rule making

**Agency:** Department of Social and Health Services, Economic Services Administration

- Preproposal Statement of Inquiry was filed as WSR: 14-20-107; or
- Expedited Rule Making--Proposed notice was filed as WSR: \_\_\_; or
- Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1).

- Original Notice
- Supplemental Notice to WSR:
- Continuance of WSR:

**Title of rule and other identifying information:** (Describe Subject)

The Community Services Division is proposing to amend WAC 388-310-0300 "WorkFirst—Infant care exemptions for mandatory participants" and WAC 388-310-1450 "Pregnancy to employment" to clarify WorkFirst participation requirements for WorkFirst infant exemption and the pregnancy to employment pathway.

**Hearing location(s):**

Office Building 2  
DSHS Headquarters  
1115 Washington  
Olympia, WA 98504  
Public parking at 11<sup>th</sup> and Jefferson. A map is available at:  
<http://www1.dshs.wa.gov/msa/rpau/RPAU-OB-2directions.html>

Date: February 10, 2015 Time: 10:00 a.m.

**Date of intended adoption:** Not earlier than February 11, 2015

(Note: This is **NOT** the effective date)

**Submit written comments to:**

Name: DSHS Rules Coordinator  
Address: PO Box 45850  
Olympia, WA 98504  
e-mail [DSHSRPAURulesCoordinator@dshs.wa.gov](mailto:DSHSRPAURulesCoordinator@dshs.wa.gov)  
fax (360) 664-6185  
**by: 5:00 p.m. February 10, 2015**

**Assistance for persons with disabilities:** Contact Jeff Kildahl, DSHS Rules Consultant by TTY (360) 664-6178 or (360) 664-6092 or by email at [Kildaja@dshs.wa.gov](mailto:Kildaja@dshs.wa.gov)

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:**

The Department is proposing to include parenting education or parenting skills training as an activity that may be required if indicated while WorkFirst participants are in the Pregnancy to Employment pathway or under the infant exemption. RCW 74.08A.270 "Good cause" establishes activities participants may be required to participate in while claiming a good cause exemption. The proposed WAC changes support RCW 74.08A.270.

**Reasons supporting proposal:**

This change supports activities related to the WorkFirst/TANF Home Visiting pilot providing parenting education or parenting skills training to WorkFirst participants.

**Statutory authority for adoption:**

RCWs 74.08A.270, 74.04.050, 74.08.090 and 74.04.055

**Statute being implemented:**

RCW 74.08A.270, 74.04.050, 74.08.090 and 74.04.055

**Is rule necessary because of a:**

- Federal Law?  Yes  No
  - Federal Court Decision?  Yes  No
  - State Court Decision?  Yes  No
- If yes, CITATION:

**CODE REVISER USE ONLY**

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

**DATE: January 02, 2015**

**TIME: 10:18 AM**

**WSR 15-02-042**

**DATE**

December 30, 2014

**NAME** (type or print)

Katherine Vasquez

**SIGNATURE**

**TITLE:**

DSHS Rules Coordinator

(COMPLETE REVERSE SIDE)

**Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:**

None

**Name of proponent: (person or organization)**

Department of Social and Health Services

- Private  
 Public  
 Governmental

**Name of agency personnel responsible for:**

Name	Office Location	Phone
Drafting..... Louisa Erickson	PO Box 45470 Olympia WA 98504-5470	(360) 725-4559
Implementation....Louisa Erickson	PO Box 45470 Olympia WA 98504-5470	(360) 725-4559
Enforcement.....Louisa Erickson	PO Box 45470 Olympia WA 98504-5470	(360) 725-4559

**Has a small business economic impact statement been prepared under chapter 19.85 RCW or has a school district fiscal impact statement been prepared under section 1, chapter 210, Laws of 2012?**

Yes. Attach copy of small business economic impact statement or school district fiscal impact statement.

A copy of the statement may be obtained by contacting:

Name:  
Address:

Phone: ( )  
Fax: ( )  
e-mail

No. Explain why no statement was prepared.

These proposed rules do not have an economic impact on small businesses. The proposed amendments only affect DSHS clients by disregarding more income in the child-only TANF means-testing process.

**Is a cost-benefit analysis required under RCW 34.05.328?**

Yes A preliminary cost-benefit analysis may be obtained by contacting:

Name:  
Address:

Phone: ( )  
fax: ( )  
e-mail:

No: Please explain:

These amendments are exempt as allowed under RCW 34.05.328(5)(b)(vii) which states in-part, "This section does not apply to...rules of the department of social and health services relating only to client medical or financial eligibility and rules concerning liability for care of dependents."

AMENDATORY SECTION (Amending WSR 08-02-055, filed 12/28/07, effective 2/1/08)

**WAC 388-310-0300 WorkFirst—Infant care exemptions for mandatory participants. (1) When can I be exempted from participating in WorkFirst activities if I am a mandatory participant?**

Either you or the other parent (living in the household) can claim an infant exemption from participating in WorkFirst activities provided you:

(a) Have a child under one year of age;

(b) Choose to not fully participate in the WorkFirst program (see WAC 388-310-0400); and

(c) Have not used up your lifetime twelve-month infant exemption.

**(2) If I choose my infant exemption, can I still be required to participate in the WorkFirst program?**

You are required to participate up to twenty hours per week in parenting education or parent skills training, mental health and/or chemical dependency treatment if:

(a) The comprehensive evaluation or assessment indicates a need; and

(b) Services are available in your community.

**(3) Can I volunteer to participate in WorkFirst while I have a child under one?**

You may choose to fully participate in WorkFirst (see WAC 388-310-0400) while you have a child under one year of age. If you decide later to stop participating and you still qualify for an exemption, you will be put back into exempt status with no financial penalty provided you meet conditions (1) and (2) above.

**(4) Does an infant exemption from participation affect my sixty-month time limit for receiving TANF or SFA benefits?**

Even if you are exempt from participation, each month you receive a TANF/SFA grant counts toward your sixty-month limit (see WAC 388-484-0005).

AMENDATORY SECTION (Amending WSR 08-02-055, filed 12/28/07, effective 2/1/08)

**WAC 388-310-1450 Pregnancy to employment. (1) How do I know if I am eligible to participate in pregnancy to employment?**

If you are on TANF/SFA and are pregnant or have a child under the age of one year, you are a participant in the pregnancy to employment pathway.

**(2) What services are provided to the pregnancy to employment pathway?**

(a) The pregnancy to employment pathway provides you with services, when available in your community, to help you learn how to work, look for work, or prepare for work while still meeting your child's needs. You and your case manager or social worker will decide which variety of services you need such as:

(i) Parenting education or parenting skills training;

(ii) Safe and appropriate child care;

(iii) Mental health treatment;

- (iv) Chemical dependency treatment;
- (v) Domestic violence services; or
- (vi) Employment services.

(b) The case manager or social worker will contact you every three months to offer you services if you are not required to participate and choose to claim the infant exemption.

**(3) What am I required to do while I am in the pregnancy to employment pathway?**

You must participate in an assessment with a DSHS social worker and based on the results you will:

(a) Work with your case manager/social worker to decide which required activities best meet your needs. These activities will depend on where you are in the pregnancy or the age of your child and will be added to your individual responsibility plan (IRP).

(b) Be required to participate in the activities identified in your IRP.

**(4) What am I required to do while I am pregnant?**

Based upon the results of your assessment, your participation:

(a) During your first and second trimester of pregnancy will be full-time work, looking for work, or preparing for work unless you have a good reason to participate fewer hours (see WAC 388-310-1600).

(b) During your third trimester of pregnancy will be up to twenty hours per week in parenting education or parenting skills training, mental health and/or chemical dependency treatment if:

(i) The comprehensive evaluation or assessment indicates a need; and

(ii) Services are available in your community.

**(5) What am I required to do after my child is born?**

After the birth of your child, you may choose to take the infant exemption (See WAC 388-310-0300) or volunteer to participate in Work-First activities to the fullest of your abilities (see WAC 388-310-0400).

**(6) What if I have used my twelve-month lifetime infant exemption?**

If you have another child after using all twelve months of the infant exemption, you will be:

(a) Eligible for a twelve-week postpartum deferral period to personally take care of an infant less than twelve weeks of age. During the twelve-week postpartum deferral period, you will be required to participate up to twenty hours per week in mental health and/or chemical dependency treatment if the comprehensive evaluation or assessment indicates a need and services are available in your community.

(b) Required (unless otherwise exempt or you have good reason to participate fewer hours) to participate full-time, once your child turns twelve-weeks old. Activities in which you are required to participate include one or more of the following:

(i) Work;

(ii) Looking for work; or

(iii) Preparing for work by participating in a combination of activities based upon the results of your assessment.

**(7) Will I be sanctioned if I refuse to participate?**

(a) You are required to participate in the WorkFirst program (see WAC 388-310-0200) subject to sanction (see WAC 388-310-1600) unless you have good reason and you:

(i) Are in your third trimester of pregnancy; or

(ii) Have not used up your twelve-month lifetime infant exemption and have a child under the age of one year; or

(iii) Have used up your twelve-month lifetime infant exemption and have a child under twelve weeks.

(b) You may be sanctioned if you stop participating in required parenting education or parenting skills training, mental health and/or chemical dependency treatment even if you are in your third trimester, claiming the infant exemption, or using a twelve-week postpartum deferral period.