



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: **15-04-009** ; 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 Department is proposing to amend WAC 388-444-0030, "Do I have to work to be eligible for Basic Food benefits if I am an able-bodied adult without dependents (ABAWD)?"

Hearing location(s):

Office Building 2
DSHS Headquarters
1115 Washington
Olympia, WA 98504

Public parking at 11th and Jefferson. A map is available at:
<http://www1.dshs.wa.gov/msa/rpau/RPAU-OB-2directions.html>

Date: **August 4, 2015** Time: **10:00 a.m.**

Date of intended adoption: Not earlier than August 5, 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
fax: (360) 664-6185
by: 5:00 p.m. August 4, 2015

Assistance for persons with disabilities: Contact:
Jeff Kildahl, DSHS Rules Consultant by July 21, 2015
Phone: (360) 664-6092 or TTY: (360) 664-6178
Email: KildaJA@dshs.wa.gov

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

The Department is proposing to amend rules under WAC 388-444-0030 to extend the date for which the ABAWD Waiver applies, as well as to align rules with the Code of Federal Regulations, specifically regarding living with a minor, participating at least 20 hours in a variety of activities, and replacing the Job Training Partnership Act terminology with the Workforce Innovation and Opportunity Act of 2014.

Reasons supporting proposal:

This rule-making is part of an annual update which is required in order to correctly apply ABAWD rules based on any existing and approved ABAWD Waivers.

Statutory authority for adoption: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510, and 74.08.090

Statute being implemented: RCW 74.04.005, 74.04.050, 74.04.055, 74.04.057, 74.04.510, and 74.08.090

Is rule necessary because of a:

- Federal Law? Yes No
- Federal Court Decision? Yes No
- State Court Decision? Yes No

If yes, CITATION:
7 CFR 273.24

DATE
June 25, 2015

NAME (type or print)
Katherine Vasquez

SIGNATURE

TITLE
DSHS Rules Coordinator

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: June 26, 2015

TIME: 4:38 PM

WSR 15-14-074

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:	Jason Turner	712 Pear St SE Olympia, WA 98501	(360)725-4640
Implementation:	Jason Turner	712 Pear St SE Olympia, WA 98501	(360)725-4640
Enforcement:	Jason Turner	712 Pear St SE Olympia, WA 98501	(360)725-4640

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 amendment only updates the date for which the ABAWD Waiver is approved, and updates technical clarifying language.

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, "[t]his 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."

WAC 388-444-0030 ((Do I have to work)) What additional work requirements and time limits is an able-bodied adult without dependents (ABAWD) subject to in order to be eligible for Basic Food ((benefits if I am an able-bodied adult without dependents (ABAWD)))? (1) An able-bodied adult without dependents (ABAWD) is a person who:

(a) ~~Is ((physically and mentally able to work))~~ required to register for work under WAC 388-444-0005; and

(b) Is age eighteen through forty-nine; and

(c) ~~((Has no child in the household))~~ Does not live with any minor children.

(2) If you are an ABAWD, you must participate in employment and training activities under subsection (4) unless you are exempt from ABAWD requirements under WAC 388-444-0035.

(3) Nonexempt ABAWDs who fail to participate may continue to receive food assistance until ~~((September 30))~~ December 31, 2015.

(4) Beginning ~~((October 1, 2015))~~ January 1, 2016, ~~((an))~~ a non-exempt ABAWD is not eligible to receive food assistance for more than three full months in a thirty-six month period, ~~((except as provided in WAC 388-444-0035,))~~ unless that person participates in at least twenty hours a week averaged monthly in any of the following:

~~((Is exempt from ABAWD requirements under WAC 388-444-0035;~~

~~(b) Works at least twenty hours a week averaged monthly))~~ Paid work;

~~((c) Participates in on))~~ (b) On the job training (OJT), which may include paid work and classroom training time~~((, for at least twenty hours a week));~~

~~((d) Participates in))~~ (c) An unpaid work program as provided in WAC 388-444-0040; or

~~((e))~~ (d) Participates in ((and meets the requirements of)) one of the following work programs and is meeting the requirements of that work program:

(i) ~~The ((Job Training Partnership))~~ Workforce Innovation and Opportunity Act ((+JTPA)) of 2014;

(ii) Section 236 of the Trade Act of 1974; or

(iii) A state-approved employment and training program.