



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: 15-15-052 ; 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 388-444-0005 "Am I required to work or look for work in order to be eligible for Basic Food", WAC 388-444-0010 "Who is exempt from work registration while receiving Basic Food", and WAC 388-444-0035 "Who is exempt from ABAWD work requirements?".

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: October 27, 2015 Time: 10:00 a.m.

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. October 27, 2015

Assistance for persons with disabilities: Contact:

Jeff Kildahl, DSHS Rules Consultant by October 13, 2015
Phone: (360) 664-6092 or TTY: (360) 664-6178
Email: KildaJA@dshs.wa.gov

Date of intended adoption: Not earlier than October 28, 2015
(Note: This is **NOT** the **effective** date)

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

The department is proposing to amend WAC 388-444-0005, WAC 388-444-0010, and WAC 388-444-0035 to align WAC with the Code of Federal Regulations (CFR). Proposed changes define Able-bodied Adults without Dependents (ABAWD) as a subset of work registrants, allow the Department to review work registration at recertification, and add policy regarding work registration and ABAWD exemptions related to inability to work.

Reasons supporting proposal:

This rule-making is related to improving compliance with work registration as required in an Employment and Training Management Evaluation by the Food and Nutrition Service conducted on April 27 through May 1, 2015. These changes will also assist the Department in complying with upcoming ABAWD waiver changes.

Statutory authority for adoption:

RCW 74.04.050, RCW 74.04.005, RCW 74.04.055, RCW 74.04.057, RCW 74.04.510, and RCW 74.08.090

Statute being implemented:

RCW 74.04.005, RCW 74.04.050, RCW 74.04.055, RCW 74.04.057, RCW 74.04.510, and RCW 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 and 7 CFR 273.7

DATE
September 16, 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: September 17, 2015

TIME: 3:45 PM

WSR 15-19-100

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.

The proposed rules do not have an economic impact on small businesses. They only impact DSHS clients.

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: The proposed rules are exempt under RCW 34.05.328 (5)(b)(vii) and relate only to client medical or financial eligibility and rules concerning liability for care of dependents.

AMENDATORY SECTION (Amending WSR 13-21-126, filed 10/22/13, effective 11/22/13)

WAC 388-444-0005 Am I required to register for work, work, or look for work in order to be eligible for Basic Food? Some people must register for work to receive Basic Food.

(1) If you receive Basic Food, we register you for work if you are:

(a) Age sixteen through fifty-nine (~~((with dependents))~~); and

(b) (~~((Age sixteen or seventeen, not attending secondary school and not the head of household;~~

~~(c) Age fifty through fifty nine with no dependents; or~~

~~(d) Age eighteen through forty nine, able bodied and with no dependents as provided in WAC 388-444-0030))~~ Not exempt from work registration under WAC 388-444-0010.

(2) (~~((Unless you are exempt from work registration under WAC 388-444-0010))~~ If we must register you for work, we register you (~~((for work))~~):

(a) When you apply for Basic Food benefits or are added to someone's assistance unit; and

(b) Every (~~((twelve months))~~) recertification thereafter.

(3) If we register you for work, you must:

(a) Contact us as required;

(b) Provide information regarding your employment status and availability for work if we ask for it;

(c) Report to an employer if we refer you;

(d) Not voluntarily quit a job or reduce your work effort as defined under WAC 388-444-0065 unless you have good cause under WAC 388-444-0070; and

(e) Accept a bona fide offer of suitable employment. We define unsuitable employment under WAC 388-444-0060.

(f) Not be sanctioned under WAC 388-310-1600 if you are a mandatory WorkFirst participant.

(4) If we register you for work, you must meet all of the requirements under subsection (3) of this section. If you do not meet these requirements, we disqualify you from receiving benefits as described in WAC 388-444-0055, unless you meet the good cause conditions as defined in WAC 388-444-0050.

AMENDATORY SECTION (Amending WSR 13-24-043, filed 11/26/13, effective 1/1/14)

WAC 388-444-0010 Who is exempt from work registration while receiving Basic Food? If you receive Basic Food, you are exempt from work registration and requirements in chapter 388-444 WAC if you meet any of the following conditions:

(1) You are age sixteen or seventeen, and:

(a) Not the head of household(~~((, and*))~~);

~~((a))~~ (b) Attend school ((such as high school or high school equivalency programs)); or

~~((b))~~ (c) Are enrolled at least half time (using the institutions definition) in an employment and training program under:

- (i) The Workforce ((Investment)) Innovation and Opportunity Act of 2014 (WIOA);
 - (ii) Section 236 of the Trade Act of 1974; or
 - (iii) ((Another)) A state or local employment and training program.
- (2) You are a student age eighteen or older enrolled at least half time as defined by the institution in:
- (a) Any accredited school;
 - (b) A training program; or
 - (c) An institution of higher education. If you are enrolled in higher education, you must meet the requirements under WAC 388-482-0005 to be eligible for Basic Food benefits.
- (3) You are an employed or self-employed person working at least thirty hours ((or more)) per week, or receiving weekly earnings equal to the federal minimum wage multiplied by thirty;
- (4) You are complying with the work requirements of an employment and training program under temporary assistance for needy families (TANF);
- (5) You receive unemployment compensation (UC) benefits or have an application pending for UC benefits;
- (6) You are responsible to care for:
- (a) A dependent child under age six; or
 - (b) Someone who is incapacitated as defined under WAC 388-310-0350 (d)(i) through (v), except the person does not need to be related to you as stated in (d)(iii).
- (7) ((We determine that)) You are physically or mentally unable to work as determined under WAC 388-310-0350 (1)(b); or
- (8) You regularly participate in a drug addiction or alcoholic treatment and rehabilitation program.

AMENDATORY SECTION (Amending WSR 10-23-112, filed 11/17/10, effective 12/18/10)

WAC 388-444-0035 Who is exempt from the ABAWD time limits and minimum work requirements? Some persons receiving Basic Food are exempt from ABAWD time limits and minimum work requirements. You are exempt from the ABAWD work requirements and time limits under WAC 388-444-0030 if you are:

- (1) ((Under eighteen or fifty years of age or older; +2)) Determined to be physically or mentally unable to work((+)) by any of the following:
 - (a) A DSHS approved source for at least a three month duration starting from when you request this exemption;
 - (b) A government agency issuing you disability benefits such as labor & industries; or
 - (c) A private company issuing you disability benefits such as workers compensation.
- ((3)) A member of a household with responsibility for a person who is incapacitated;
- (4) An adult in a household that has a member who is under the age of eighteen, even if the child is not eligible for Basic Food;
- ((5)) (2) Pregnant;
- ((6)) (3) Living in an area approved as exempt by U.S. Department of Agriculture (USDA);

~~((7) Complying with the work requirements of an employment and training program under temporary assistance for needy families (TANF);~~
~~(8) Applying for or receiving unemployment compensation;~~
~~(9) A student enrolled at least half time as defined by the institution in:~~
~~(a) Any accredited school;~~
~~(b) Training program; or~~
~~(c) Institution of higher education. A student enrolled in higher education must meet the requirements under WAC 388-482-0005 in order to be eligible for Basic Food.~~
~~(10) Participating in a chemical dependency treatment and rehabilitation program;~~
~~(11) Employed a minimum of thirty hours per week or receiving weekly earnings which equal the minimum hourly rate multiplied by thirty hours;~~
~~(12)) (4) Eligible for one of the ((annual federal)) approved exemption slots under the USDA fifteen percent exemption rule.~~
(5) A recipient of the state-funded food assistance program (FAP) under WAC 388-400-0050.