



RULE-MAKING ORDER

CR-103P (May 2009)
(Implements RCW 34.05.360)

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

Permanent Rule Only

Effective date of rule:

Permanent Rules

- 31 days after filing.
- Other (specify) _____ (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

- Yes
 - No
- If Yes, explain:

Purpose:

The Department is amending WAC 388-444-0030 and WAC 388-444-0040 to extend the date for which the ABAWD Waiver applies, as well as to clarify the verbiage of Workfare as related to work requirements for ABAWDs.

These rule changes are not expected to impact eligibility and benefits for the Washington Basic Food program and the state-funded Food Assistance Program (FAP) for legal immigrants as these rules and procedures are already in effect and being applied to Basic Food eligibility decisions. Under RCW 74.08A.120, rules for FAP shall follow exactly the rules of the federal food stamp program (SNAP) except for the provisions pertaining to immigrant status.

Citation of existing rules affected by this order:

- Repealed: none
- Amended: WAC 388-444-0030 & WAC 388-444-0040
- Suspended: none

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

Other authority: 7 CFR 273.24

PERMANENT RULE (Including Expedited Rule Making)

Adopted under notice filed as WSR 14-14-115 on July 2, 2014.

Describe any changes other than editing from proposed to adopted version: None

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

Name: _____ phone () _____
 Address: _____ fax () _____
 e-mail _____

Date adopted: August 22, 2014

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: August 26, 2014

TIME: 2:57 PM

WSR 14-18-028

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.**

The number of sections adopted in order to comply with:

Federal statute:	New	_____	Amended	_____	Repealed	_____
Federal rules or standards:	New	_____	Amended	<u>2</u>	Repealed	_____
Recently enacted state statutes:	New	_____	Amended	_____	Repealed	_____

The number of sections adopted at the request of a nongovernmental entity:

New	_____	Amended	_____	Repealed	_____
-----	-------	---------	-------	----------	-------

The number of sections adopted in the agency's own initiative:

New	_____	Amended	_____	Repealed	_____
-----	-------	---------	-------	----------	-------

The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	_____	Amended	<u>2</u>	Repealed	_____
-----	-------	---------	----------	----------	-------

The number of sections adopted using:

Negotiated rule making:	New	_____	Amended	_____	Repealed	_____
Pilot rule making:	New	_____	Amended	_____	Repealed	_____
Other alternative rule making:	New	_____	Amended	<u>2</u>	Repealed	_____

AMENDATORY SECTION (Amending WSR 13-17-123, filed 8/21/13, effective 9/21/13)

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)? (1)

An able-bodied adult without dependents (ABAWD) is a person who:

- (a) Is physically and mentally able to work;
- (b) Is age eighteen through forty-nine; and
- (c) Has no child in the household.

(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, ((2014)) 2015.

(4) Beginning October 1, ((2014)) 2015, an 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:

- (a) Is exempt from ABAWD requirements under WAC 388-444-0035;
- (b) Works at least twenty hours a week averaged monthly;
- (c) Participates in on the job training (OJT), which may include paid work and classroom training time, for at least twenty hours a week;
- (d) Participates in an unpaid work program as provided in WAC 388-444-0040; or
- (e) Participates in and meets the requirements of one of the following work programs:
 - (i) The Job Training Partnership Act (JTPA);
 - (ii) Section 236 of the Trade Act of 1974; or
 - (iii) A state-approved employment and training program.

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

WAC 388-444-0040 Can I volunteer for an unpaid work program in order to meet the work requirements under WAC 388-444-0030? The department makes unpaid work programs available for persons who need to meet work requirements under WAC 388-444-0030.

(1) The following are considered unpaid work programs:

- (a) Workfare, which includes:
 - (i) ((~~Thirty days of job~~)) Job search activities ((in)) during the first ((month)) thirty days beginning with the ((first)) day of application, or sixteen hours of volunteer work with a public or private nonprofit agency; and
 - (ii) In subsequent months, sixteen hours per month of volunteer work with a public or private nonprofit agency allows you to remain eligible for Basic Food benefits.
 - (iii) Workfare does not include enforced community service or for paying fines or debts due to legal problems.
- (b) Work experience (WEX) which provides supervised, unpaid work for at least twenty hours a week. WEX is intended to improve a person's work skills and make them more competitive in the job market.

WEX must be for a nonprofit organization, government agency, or tribal entity.

(2) We may not **require** you to participate more than one hundred and twenty hours per month in an unpaid-work program, paid work, or a combination of activities. ABAWDs may volunteer to participate in activities beyond one hundred and twenty hours per month.

(3) The department may pay for some of the costs for you to participate in work programs. We set the standards for the amount we will pay for these expenses.