



PROPOSED RULE MAKING

CR-102 (December 2017)
(Implements RCW 34.05.320)
Do **NOT** use for expedited rule making

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STATE OF WASHINGTON
FILED

DATE: April 20, 2021

TIME: 1:22 PM

WSR 21-09-075

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

Original Notice

Supplemental Notice to WSR _____

Continuance of WSR _____

Preproposal Statement of Inquiry was filed as WSR 20-09-134 ; 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); or

Proposal is exempt under RCW _____.

Title of rule and other identifying information: (describe subject) The department is proposing amendments to WAC 388-444-0015, How can the basic food employment and training (BF E&T) program help me find work?; and WAC 388-444-0025, What expenses will the department pay to help me participate in BF E&T?.

Hearing location(s):

Date:	Time:	Location: (be specific)	Comment:
May 25, 2021	10:00 a.m.	Office Building 2 DSHS Headquarters 1115 Washington Street SE Olympia, WA 98504 Or by Skype	Public parking at 11 th and Jefferson. A map is available at: https://www.dshs.wa.gov/office-of-the-secretary/driving-directions-office-bldg-2 Due to the COVID 19 pandemic, hearing may be held via Skype, see DSHS website for most up to date information.

Date of intended adoption: Not earlier than May 26, 2021 (Note: This is **NOT** the **effective** date)

Submit written comments to:

Name: DSHS Rules Coordinator

Address: PO Box 45850
Olympia, WA 98504

Email: DSHSRPAURulesCoordinator@dshs.wa.gov

Fax: 360-664-6185

Other:

By (date) 5:00 p.m. May 25, 2021

Assistance for persons with disabilities:

Contact Jeff Kildahl, DSHS Rules Consultant

Phone: 360-664-6092

Fax: 360-664-6185

TTY: 711 Relay Service

Email: Kildaja@dshs.wa.gov

Other:

By (date) May 11, 2021

Purpose of the proposal and its anticipated effects, including any changes in existing rules: Proposed amendments will better align rule language with current federal regulations and clarify eligibility for and services available through the Basic Food Employment and Training (BFET) program.

Reasons supporting proposal: See purpose statement above.

Statutory authority for adoption: RCW 74.04.050, RCW 74.04.055, RCW 74.04.057, RCW 74.04.500, RCW 74.04.515, RCW 74.04.535, RCW 74.08.090, RCW 74.08A.120, RCW 74.08A.903, 7 U.S.C. 2015 (d)(1), and 7 C.F.R. § 273.7

Statute being implemented: None

Is rule necessary because of a:

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

If yes, CITATION:

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:	Bessie Williams	PO Box 45470, Olympia, WA 98504-5770	360-725-4630
Implementation:	Bessie Williams	PO Box 45470, Olympia, WA 98504-5770	360-725-4630
Enforcement:	Bessie Williams	PO Box 45470, Olympia, WA 98504-5770	360-725-4630

Is a school district fiscal impact statement required under RCW 28A.305.135? Yes No

If yes, insert statement here:

The public may obtain a copy of the school district fiscal impact statement by contacting:

Name:
Address:
Phone:
Fax:
TTY:
Email:
Other:

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:
TTY:
Email:
Other:

No: Please explain: This amendment is 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".

Regulatory Fairness Act Cost Considerations for a Small Business Economic Impact Statement:

This rule proposal, or portions of the proposal, **may be exempt** from requirements of the Regulatory Fairness Act (see chapter 19.85 RCW). Please check the box for any applicable exemption(s):

This rule proposal, or portions of the proposal, is exempt under RCW 19.85.061 because this rule making is being adopted solely to conform and/or comply with federal statute or regulations. Please cite the specific federal statute or regulation this rule is being adopted to conform or comply with, and describe the consequences to the state if the rule is not adopted.

Citation and description:

This rule proposal, or portions of the proposal, is exempt because the agency has completed the pilot rule process defined by RCW 34.05.313 before filing the notice of this proposed rule.

This rule proposal, or portions of the proposal, is exempt under the provisions of RCW 15.65.570(2) because it was adopted by a referendum.

This rule proposal, or portions of the proposal, is exempt under RCW 19.85.025(3). Check all that apply:

- RCW 34.05.310 (4)(b) (Internal government operations)
- RCW 34.05.310 (4)(c) (Incorporation by reference)
- RCW 34.05.310 (4)(d) (Correct or clarify language)
- RCW 34.05.310 (4)(e) (Dictated by statute)
- RCW 34.05.310 (4)(f) (Set or adjust fees)
- RCW 34.05.310 (4)(g) ((i) Relating to agency hearings; or (ii) process requirements for applying to an agency for a license or permit)

This rule proposal, or portions of the proposal, is exempt under RCW 34.05.328(5)(b)(vii) .

Explanation of exemptions, if necessary: The proposed amendments do not impact small businesses. They only impact DSHS clients.

COMPLETE THIS SECTION ONLY IF NO EXEMPTION APPLIES

If the proposed rule is **not exempt**, does it impose more-than-minor costs (as defined by RCW 19.85.020(2)) on businesses?

- No Briefly summarize the agency’s analysis showing how costs were calculated. _____
- Yes Calculations show the rule proposal likely imposes more-than-minor cost to businesses, and a small business economic impact statement is required. Insert statement here:

The public may obtain a copy of the small business economic impact statement or the detailed cost calculations by contacting:

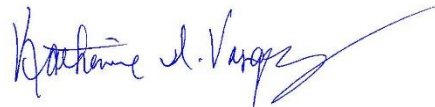
Name:
Address:
Phone:
Fax:
TTY:
Email:
Other:

Date: April 20, 2021

Name: Katherine I. Vasquez

Title: DSHS Rules Coordinator

Signature:



WAC 388-444-0015 How can the basic food employment and training (~~((BF-E&T))~~) (BFET) program help me find work? The basic food employment and training (~~((BF-E&T))~~) (BFET) program is the name for Washington's voluntary supplemental nutrition assistance program (SNAP) employment and training program.

(1) If you receive federally funded basic food benefits and are at least sixteen years of age or older (see additional requirements to serve sixteen to seventeen year olds below) and are able to work at least twenty hours per week (see additional requirements below), you may choose to receive services through the (~~((BF-E&T))~~) BFET program in one or more of the following activities, if we currently provide the service in the county where you live:

(a) Job search(~~(+)~~) and training, which may include:

- (i) Labor market information;
- (ii) Job seeking skills instruction;
- (iii) Resume writing;
- (iv) Job skills assessment;
- (v) Coaching;
- (vi) Work ethic training; or
- (vii) Job placement services.

(b) Supervised job search, which may include:

- (i) Use of computer, email, fax, telephone;
- (ii) Search of job listings; and
- (iii) Participation in a job club; or
- (iv) Securing identification, professional license, or certifications.

(c) Basic education, which may include:

- (i) Education in basic computer skills;
- (ii) Literacy or math training;
- (iii) High school equivalency (formerly GED);
- (iv) Basic education for adults (BEA); or
- (v) English as a second language (ESL).

(d) Life skills, which may include:

- (i) Work preparation;
- (ii) Health and well-being;
- (iii) Effective communication;
- (iv) Personal strength builders;
- (v) Community engagement.

(e) Vocational education, which may include:

- (i) Credentialed;
- (ii) Recognized by an independent third party; or
- (iii) Accepted by local industry employers.

(f) Job retention services, which may include:

- (i) Counseling;
- (ii) Coaching;
- (iii) Case management; and
- (iv) Participant reimbursements.

(g) Paid or unpaid work(~~(+)~~

- ~~(c) Training or work experience;~~
- ~~(d) High school equivalency classes; or~~
- ~~(e) English as a second language (ESL) classes).~~

(2) If you are eligible to participate in (~~(a BF-E&T activity,~~ there is no limit to the number of hours you can participate)) BFET

activities, you must be able to participate in BFET twenty hours per week, up to forty hours per week.

(a) Youth ages sixteen to seventeen may participate in BFET programs, even if they receive basic food benefits independently or through their parents basic food case.

(i) The participation exception for youth is secondary education, or high school equivalency classes.

(ii) Youth may participate in vocational education programs if they have received or in the process of receiving their high school equivalency.

(iii) Youth sixteen years and older do not require parental consent to participate in BFET.

(iv) Persons with a verified disability (which may include those receiving services from the division of vocational rehabilitation) may be eligible for BFET services.

(3) If you are an able bodied adult without dependents (ABAWD) and able to work, you may be eligible for BFET services.

(4) If you receive employment and training services within multiple department of social and health services administrations, you cannot receive duplication of services, nor duplication of support services.

(5) If you receive benefits under the state-funded food assistance program (FAP), you are not eligible to participate in ((BF-E&T)) BFET.

(6) If you receive temporary assistance to needy families (TANF), you are not eligible to participate in BFET.

AMENDATORY SECTION (Amending WSR 10-18-048, filed 8/26/10, effective 10/1/10)

WAC 388-444-0025 What ((expenses will)) support services may the ((department)) basic food employment and training (BFET) program pay to help me participate ((in BF-E&T))? ~~((+1))~~ The ~~((department pays))~~ BFET program may pay certain actual expenses needed for you to participate in the ~~((BF-E&T))~~ BFET program. ~~((We will))~~ The BFET program may pay for the following expenses:

~~((+a))~~ (1) Transportation related costs; ((and

~~(+b))~~ (2) Books and training supplies;

(3) Clothing;

(4) Educational or credential testing;

(5) Housing or utilities;

(6) Personal hygiene; or

(7) Child care or medical;

(a) Dependent care costs for each dependent through twelve years of age.

~~((+2))~~ (b) We do not pay your dependent care costs if:

~~((+a))~~ (i) The child is thirteen years of age or older unless they are:

~~((+i))~~ (A) Physically and/or mentally unable to care for themselves; or

~~((+ii))~~ (B) Under court order requiring adult supervision; or

~~((+b))~~ (C) Any member in the food assistance unit provides the dependent care.

~~((3))~~ (ii) We do not use the cost of dependent care the department pays for under subsection (1) of this section as an income deduction for your household's dependent care costs under WAC 388-450-0185.