



RULE-MAKING ORDER PERMANENT RULE ONLY

CR-103P (October 2017) (Implements RCW 34.05.360)

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: December 22, 2017

TIME: 10:25 AM

WSR 18-02-037

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

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 "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?", WAC 388-444-0045 "How does an ABAWD regain eligibility for Basic Food after being closed for the three-month limit", and WAC 388-444-0065 "Am I eligible for Basic Food if I quit my job or reduce my work effort" to update the eligibility policies of Work Registrants, including but not limited to the Able-Bodied Adults Without Dependents (ABAWDs) population, in order to bring them into compliance with federal regulations.

Citation of rules affected by this order:

New: None
 Repealed: None
 Amended: WAC 388-444-0030, WAC 388-444-0045, WAC 388-444-0065
 Suspended: None

Statutory authority for adoption: RCW 74.04.050, RCW 74.04.055, RCW 74.04.057, RCW 74.04.510, RCW 74.08.090, RCW 74.04.500, RCW 74.08A.120

Other authority:

PERMANENT RULE (Including Expedited Rule Making)

Adopted under notice filed as WSR 17-21-071 on October 16, 2017 (date).

Describe any changes other than editing from proposed to adopted version:

- WAC 388-444-0030 (4)(c) - Added "Participates in"
- WAC 388-444-0045 (1)(d) - Changed "applied" to "reapplied"
- WAC 388-444-0045 (1)(e) - Added "Meeting an exemption as outlined in WAC 388-444-0035."
- WAC 388-444-0045 (2)(a) - Changed "applied" to "reapplied"
- WAC 388-444-0045 (2)(b) - Added "if you requalify by participating in the workfare program; or (b) The date of reapplication or the date you complete the required number of participation hours in a work or work-like activity, whichever is later."
- WAC 388-444-0045 (3) - Added "that we start counting"
- WAC 388-444-0045 (3)(c) - Added "Stop qualifying for an exemption and you are not participating in work requirements."

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

- Name:
- Address:
- Phone:
- Fax:
- TTY:
- Email:
- Web site:
- Other:

**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	___	Repealed	___
Recently enacted state statutes:	New	___	Amended	<u>3</u>	Repealed	___

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

New	___	Amended	___	Repealed	___
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The number of sections adopted on the agency's own initiative:

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

New	___	Amended	___	Repealed	___
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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>3</u>	Repealed	___

Date Adopted: December 18, 2017

Name: Katherine I. Vasquez

Title: DSHS Rules Coordinator

Signature:



AMENDATORY SECTION (Amending WSR 16-07-003, filed 3/3/16, effective 4/3/16)

WAC 388-444-0030 (~~What additional work requirements and time limits is an~~) Are able-bodied adults without dependents (ABAWD) subject to ((in order)) additional work requirements and time limits to be eligible for basic food? (1) An able-bodied adult without dependents (ABAWD) is a person who:

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

(b) Is fit for work and not exempted under WAC ((388-444-0035(1))) 388-444-0035; and

(c) Does not receive food assistance in an assistance unit (AU) that includes a minor child((,)) (we will consider the AU to include a minor child even if the minor child is not eligible to receive food assistance ((in that AU; or

~~(d) Is not otherwise exempt under WAC 388-444-0035))~~.

(2) If you are an ABAWD, you must participate in work activities under subsection (4) ~~((unless you are exempt from ABAWD requirements under WAC 388-444-0035))~~ of this section.

(3) Nonexempt ABAWDs who live outside of King county((, Snohomish county or Pierce county, and nonexempt ABAWDs who live within the city of Tacoma or the city of Lakewood,)) or on the Muckleshoot Tribal Reservation may continue to receive food assistance until December 31, ((2016,)) 2018 even if ~~((the ABAWD fails))~~ they fail to participate in work-related activities.

(4) ~~((Beginning January 1, 2016,))~~ A nonexempt ABAWD is not eligible to receive food assistance for more than three full months (which do not have to be consecutive months), not including any partial benefit months in a thirty-six month period, unless the ABAWD:

(a) Works ~~((at least twenty hours per week, averaged monthly (eighty hours per month). Working includes))~~ an average of eighty hours per month, including:

(i) Work in exchange for money;

(ii) Work in exchange for goods or services ("in kind" work);

(iii) Unpaid work that is verified according to department requirements; or

(iv) Any combination of ~~((4)(a)(i))~~ (a)(i) through ~~((4)(a)(iii). Or))~~ (a)(iii) of this subsection;

(b) Participates in one of the following work programs and is meeting the requirements of that work program:

(i) The Workforce Innovation and Opportunity Act of 2014;

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

(iii) A state-approved employment and training program at least an average of eighty hours per month; or

~~((iv))~~ (c) Participates in an unpaid work program as provided in WAC 388-444-0040.

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

WAC 388-444-0045 How does an ABAWD regain eligibility for basic food after ((being closed for)) the three-month limit? (1) If you have ~~((used up your))~~ received three months of benefits as an able-

bodied adult without dependents (ABAWD) (~~under~~) and are not eligible due to nonparticipation in the work requirements of WAC 388-444-0030, you (~~can~~) may regain eligibility after reapplying for basic food by:

(a) Working eighty hours or more during a thirty-day period;

(b) Participating in and meeting the requirements of a work program as outlined in WAC 388-444-0030 for eighty hours or more during a thirty-day period;

(c) Participating in and meeting the requirements of the community service part of a workfare program; (~~or~~)

(d) Meeting any of the work requirements in (a) through (c) of this subsection in the thirty days after the date you have (~~applied~~) reapplied for basic food; or

(e) Meeting an exemption as outlined in WAC 388-444-0035.

(2) If you regain eligibility for food assistance under subsection (1) of this section, you are eligible for basic food from:

(a) The date you (~~applied~~) reapplied for basic food (~~and as long as you continue to meet the requirements of WAC 388-444-0030~~) if you requalify by participating in the workfare program; or

(b) The date of reapplication or the date you complete the required number of participation hours in a work or work-like activity, whichever is later.

(3) If you meet all other requirements for basic food and you have regained eligibility under subsection (1) of this section, you (~~may~~) will receive an additional three consecutive months of basic food benefits that we start counting when you:

(a) Lose employment; (~~or~~)

(b) (~~Lose the opportunity to participate~~) Stop participating in a work or workfare program; or

(c) Stop qualifying for an exemption and you are not participating in work requirements.

(4) We only allow the additional three months of basic food (~~under subsection (3)~~) once in each thirty-six month period under subsection (1) of this section.

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

WAC 388-444-0065 Am I eligible for basic food if I quit my job or reduce my work effort? (1) You are not eligible for basic food if you voluntarily quit your current job without good cause as defined in WAC 388-444-0070, and:

(a) You were working or self-employed (~~and working~~) for thirty hours or more per week or you had weekly earnings at least equal to the federal minimum wage multiplied by thirty hours; (~~and~~)

(b) The day you quit or the last day you worked was within (~~sixty~~) thirty days before you applied for basic food or any time after application; and

(c) At the time (~~of~~) you quit or the last day you worked, you would have been required to register for work as defined in WAC 388-444-0005.

(2) You are not eligible for basic food if you voluntarily reduce your work effort without good cause as defined in WAC 388-444-0070, and:

(a) You were working or self-employed (~~(and working)~~) for thirty hours or more per week or you had weekly earnings at least equal to the federal minimum wage multiplied by thirty hours; (~~and~~)

(b) (~~The reduction was~~) You reduced your work effort within (~~sixty~~) thirty days before you applied for basic food or any time after application; (~~and~~)

(c) (~~If~~) After the reduction, you are working less than thirty hours per week or your weekly earnings are not at least equal to the federal minimum wage multiplied by thirty hours; and

(d) At the time of the reduction you would have been required to register for work as defined in WAC 388-444-0005.

(3) You are not eligible to receive basic food if you have participated in a strike against a federal, state, or local government and have lost your employment because of such participation within thirty days of application.

(4) The following are not considered voluntary quits:

(a) Ending a self-employment enterprise; or

(b) Resigning at the request of the employer.