



RULE-MAKING ORDER PERMANENT RULE ONLY

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

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: October 23, 2020

TIME: 1:00 PM

WSR 20-22-020

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 388-310-1000, WorkFirst—Vocational education; WAC 388-310-1050, WorkFirst—Skills enhancement training; WAC 388-310-1700, WorkFirst—Self-employment; and WAC 388-310-1800, WorkFirst—Post employment services. These amendments correct outdated cross references to Working Connection and Seasonal Child Care Subsidy program rules resulting from the Department of Early Learning (DEL) reorganization into the Department of Children, Youth, and Families (DCYF). References to chapter 170-290 WAC are replaced with references to chapter 110-15 WAC, consistent with recodification of these rules under WSR 18-14-078.

Citation of rules affected by this order:

New: None
 Repealed: None
 Amended: WAC 388-310-1000, WAC 388-310-1050, WAC 388-310-1700, WAC 388-310-1800
 Suspended: None

Statutory authority for adoption: RCW 74.04.050, RCW 74.04.055, RCW 74.04.057, RCW 74.04.500, RCW 74.04.510, RCW 74.08.090, RCW 74.08A.120, RCW 74.08A.250

Other authority:

PERMANENT RULE (Including Expedited Rule Making)

Adopted under notice filed as WSR 20-18-030 on August 27, 2020 (date).
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: N/A
 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Federal statute:	New	___	Amended	___	Repealed	___
Federal rules or standards:	New	___	Amended	___	Repealed	___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	___	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	<u>4</u>	Repealed	___
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The number of sections adopted using:

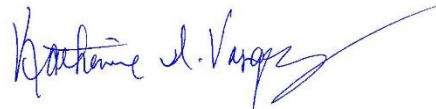
Negotiated rule making:	New	___	Amended	___	Repealed	___
Pilot rule making:	New	___	Amended	___	Repealed	___
Other alternative rule making:	New	___	Amended	<u>4</u>	Repealed	___

Date Adopted: October 23, 2020

Name: Katherine I. Vasquez

Title: DSHS Rules Coordinator

Signature:



WAC 388-310-1000 WorkFirst—Vocational education. (1) What is vocational education?

Vocational education is training that leads to a degree or certificate in a specific occupation, not to result in a bachelor's or advanced degree unless otherwise indicated in subsection (4) of this section, offered by an accredited:

- (a) Public and private technical college or school;
- (b) Community college;
- (c) Tribal college; or
- (d) Community based organizations for customized job skills training programs only.

(2) Vocational education may include one or more of the following:

- (a) Customized job skills training;
- (b) High-wage/high-demand training;
- (c) Approved homework and study activities associated with the educational activity;
- (d) Remedial/developmental education, prerequisites, basic education or English as a second language training deemed a necessary part of the vocational education program.

(3) What is customized job skills training?

Customized job skills training helps you learn skills needed for an identified entry-level job that pays more than average entry-level wages, and is an acceptable WorkFirst activity when an employer or industry commits to hiring or giving hiring preference upon completion.

(4) What is high-wage/high-demand training?

(a) There are two types of high-wage/high-demand full-time training options for WorkFirst participants to complete a certificate or degree that will lead to employment in a high-wage/high-demand occupation:

(i) Information technology, health care, or other professional-technical programs that allows recipients to start and finish a one-year or shorter state, community, or technical college training program in these fields or other professional-technical programs that meet high-wage/high-demand criteria.

(ii) Certificate/degree completion programs that allow recipients to finish the last year of any certificate or degree program, not to exceed a bachelor's degree, in a high-wage/high-demand field on an exception basis. Employment security department bases the high-wage/high-demand criteria on median income and high-demand occupations with the local labor market.

(b) The department may approve high-wage/high-demand training once in a lifetime without an approved exception to policy.

(c) To qualify for high-wage/high-demand training, you must also:

- (i) Meet all of the prerequisites;
- (ii) Be able to obtain the certificate or degree within twelve calendar months;

(iii) Participate full time in the training program and make satisfactory progress;

(iv) Work with the employment security department during the last quarter of training for job placement; and

(v) Return to job search once you complete the educational program if still unemployed.

(5) When may vocational education be included in my individual responsibility plan?

The department may include vocational education in your individual responsibility plan for up to twelve months if:

(a) Your comprehensive evaluation shows that you:

(i) Need this education to become employed or get a better job; and

(ii) Are able to participate full time in vocational education or combine vocational education with any approved WorkFirst work activity.

(b) You are in an internship or practicum for up to twelve months that is paid or unpaid and required to complete a course of vocational training or to obtain a license or certificate in a high demand program;

(c) You have limited-English proficiency and lack job skills that are in demand for entry-level jobs in your area, and the vocational education program is the only way that you can acquire these skills (because there is no available work experience, community service or on-the-job training that can teach you these skills); or

(d) You meet the requirements in WAC 388-310-1450 and your comprehensive evaluation shows vocational education would help you find and keep employment.

(6) May I get help with paying the costs of vocational education?

WorkFirst may pay for the costs of vocational education, such as tuition or books, up to twelve months, if vocational education is in your individual responsibility plan and there is no other way to pay them. You may also get help with paying your child care costs through the working connections child care program if you meet criteria in chapter ((388-290)) 110-15 WAC.

(7) May the department include vocational education in my individual responsibility plan longer than twelve months?

The department may increase the twelve-month limit for vocational education training to twenty-four months subject to funding appropriated specifically for this purpose.

AMENDATORY SECTION (Amending WSR 09-14-019, filed 6/22/09, effective 7/23/09)

**WAC 388-310-1050 WorkFirst—Skills enhancement training. (1)
What is skills enhancement training?**

Skills enhancement training ((+)), formerly known as job skills training((+)), is training or education for job skills required by an employer to provide a person with the ability to obtain employment or to advance or adapt to the changing demands of the workplace. Skills enhancement training may include:

(a) Customized training programs to meet the needs of a specific employer;

(b) General education and training that prepares a person for employment to include vocational education and courses explicitly required for program entry;

(c) Basic education and English as a second language training when such instruction is focused on skills needed for employment, combined in a unified whole with job training or needed to enable the person to perform a specific job or engage in a specific job training program;

(d) Four-year bachelor degree programs at any state-certified college or university; and

(e) Approved homework and study activities.

(2) **Who may provide skills enhancement training?**

The ~~((training may be offered by the))~~ following types of organizations that meet the WorkFirst program's standards for service providers may offer training:

(a) Community based organizations;

(b) Businesses;

(c) Tribal governments; or

(d) Public and private community and technical colleges.

(3) **When can skills enhancement training be included in my individual responsibility plan?**

We may add skills enhancement training in your individual responsibility plan if you are participating the equivalent of twenty or more hours a week in job search, vocational education, issue resolution, paid work or unpaid work that meets the federal definition of core activities.

(4) **Can I get help with paying the costs of skills enhancement training?**

WorkFirst may pay your costs, such as tuition or books, if skills enhancement training is in your individual responsibility plan and there is no other way to pay them. You may also get help with paying your child care costs through the working connections child care program ~~((See))~~ under chapter ~~((388-290))~~ 110-15 WAC ~~((for the working connections child care program rules.))~~.

AMENDATORY SECTION (Amending WSR 08-07-046, filed 3/14/08, effective 5/1/08)

WAC 388-310-1700 WorkFirst—Self-employment. (1) What is self-employment?

When you work for yourself and do not have an employer, you are self-employed.

(2) **When can I be deferred from job search to pursue self-employment?**

(a) To be deferred from job search for self-employment, you must meet all the conditions below:

(i) You must be working at least thirty-two hours a week at your business;

(ii) Your business must generate income for you that is equal to the federal minimum wage times thirty-two hours per week after your business expenses are subtracted.

(iii) Your case manager will refer you to a local business resource center, and they must approve your self-employment plan;

(b) If you do not meet all these conditions, you ~~((can))~~ may still be self-employed, but you will also need to participate in job search or other WorkFirst activities.

(3) What self-employment services can I get?

If you are a mandatory participant and have an approved self-employment plan in your individual responsibility plan, you may get the following self-employment services:

(a) A referral to community resources for technical assistance with your business plan.

(b) Small business training courses through local community organizations or technical and community colleges.

(c) Information on affordable credit, business training and ongoing technical support.

(4) What support services may I receive?

If you have an approved self-employment plan in your individual responsibility plan all support services are available.

(5) Can I get childcare?

Childcare is available if you have an approved self-employment plan in your individual responsibility plan. (See chapter ~~((388-290))~~ 110-15 WAC for working connections child care program rules.)

AMENDATORY SECTION (Amending WSR 13-18-004, filed 8/22/13, effective 10/1/13)

WAC 388-310-1800 WorkFirst—Post employment services. (1) What is the purpose of post employment services?

Post employment services help TANF or SFA parents who are working twenty hours or more a week keep and cope with their current jobs, look for better jobs, gain work skills for a career and become self sufficient.

(2) How do I obtain post employment services?

~~((a))~~ You ~~((can))~~ may obtain post employment services by:

~~((i))~~ (a) Asking for a referral from the local community service office;

~~((ii))~~ (b) Contacting community or technical colleges; or

~~((iii))~~ (c) Contacting the employment security department.

(3) Who provides post employment services and what kind of services do they provide?

(a) The employment security department ~~((can))~~ may help you increase your wages, increase your job skills or find a better job by providing you with:

(i) Employment and career counseling;

(ii) Labor market information;

(iii) Job leads for a better job (sometimes called job development);

(iv) On the job training;

(v) Help with finding a job that matches your interests, abilities and skills (sometimes called job matching); and

(vi) Help with finding a new job after job loss (sometimes called reemployment).

(b) Any Washington state technical and community college ~~((can))~~ may approve a skill-training program for you that will help you advance up the career ladder. Their staff will talk to you, help you decide what training would work best for you and then help you get enrolled in these programs. The college may approve the following types of training for you at any certified institution:

- (i) High school/GED((τ))i
- (ii) Vocational education training((τ))i
- (iii) Job skills training((τ))i
- (iv) Adult basic education((τ))i
- (v) English as a second language training((τ))i or
- (vi) Preemployment training.

(4) What other services are available while you receive post employment services?

While you receive post employment services, you may qualify for:

(a) Working connections childcare, if you meet the criteria for this program (~~(described in)~~) under chapter ((170-290)) 110-15 WAC((+)).

(b) Other support services, such as help in paying for transportation or work expenses if you meet the criteria for this program (WAC 388-310-0800).

(c) Other types of assistance for low-income families such as food stamps or help with getting child support that is due to you and your children.

(5) Who is eligible for post employment services?

If you are a current TANF or SFA recipient, you may qualify for post employment services if you are working twenty hours or more a week, unless you are in sanction status.

(6) What if I lose my job while I am receiving post employment services?

If you now receive TANF or SFA, help is available to you so that you ((ean)) may find another job and continue in your approved post employment services.

(a) The employment security department will provide you with re-employment services.

(b) At the same time, your case manager ((ean)) may approve support services and childcare for you.