

WSR 24-15-062
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)
[Filed July 16, 2024, 2:59 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 24-09-048.

Title of Rule and Other Identifying Information: The department of social and health services (DSHS) is proposing to amend WAC 388-310-0800 WorkFirst—Support services.

Hearing Location(s): On August 27, 2024, at 10:00 a.m., virtually via Microsoft Teams or call in. See the DSHS website <https://www.dshs.wa.gov/sesa/rpau/proposed-rules-and-public-hearings> for the most current information.

Date of Intended Adoption: No earlier than August 28, 2024.

Submit Written Comments to: DSHS Rules Coordinator, P.O. Box 45850, Olympia, WA 98504, email DSHSRPAURulesCoordinator@dshs.wa.gov, fax 360-664-6185, beginning at noon on July 24, 2024, by 5:00 p.m. on August 27, 2024.

Assistance for Persons with Disabilities: Contact Shelley Tencza, DSHS rules consultant, phone 360-664-6036, fax 360-664-6185, TTY 711 relay service, email Tencza@dshs.wa.gov, by 5:00 p.m. on August 13, 2024.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: These amendments expand access to support services to assist housing and utility needs for WorkFirst families. Funding for this purpose is supported within the operating budget and WorkFirst spending plan for state fiscal year 2025. Additionally, these amendments increase support service flexibility by removing particular restrictions.

Related emergency rules are currently in place, effective July 1, 2024, under WSR 24-14-046.

Reasons Supporting Proposal: See above.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.500, 74.04.510, 74.08.090, 74.08A.120, and 74.08A.250.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: DSHS, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Gary Fryer, P.O. Box 45470, Olympia, WA 98504-5470, 253-720-5306.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328. These rules are exempt as allowed under RCW 34.05.328 (5) (b) (vii) which states in part, "this 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.["]

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.025(3).

Is exempt under RCW 19.85.025(4).

Is exempt under RCW 34.05.328 (5) (b) (vii).

Explanation of exemptions: These amendments do not impact small businesses. They only impact DSHS customers.

Scope of exemption for rule proposal:
Is fully exempt.

July 12, 2024
Katherine I. Vasquez
Rules Coordinator

SHS-5042.3

AMENDATORY SECTION (Amending WSR 22-20-016, filed 9/22/22, effective 10/23/22)

WAC 388-310-0800 WorkFirst—Support services. (1) Who can get support services?

People who can get support services include:

- (a) WorkFirst participants who receive a TANF cash grant;
- (b) Sanctioned WorkFirst participants during the required participation before the sanction is lifted or applicants who were terminated while in noncompliance sanction who are doing activities required to reopen cash assistance (WAC 388-310-1600);
- (c) TANF/SFA applicants as needed to meet the WorkFirst orientation requirements under WAC 388-400-0005(2) or 388-400-0010(3);
- (d) Unmarried or pregnant minors who are income eligible to receive TANF and are:
 - (i) Living in a department approved living arrangement (WAC 388-486-0005) and are meeting the school requirements (WAC 388-486-0010); or
 - (ii) Are actively working with a social worker and need support services to remove the barriers that are preventing them from living in a department approved living arrangement or meeting the school requirements.
- (e) American Indians who receive a TANF cash grant and have identified specific needs due to location or employment.
- (f) Former WorkFirst participants who are working at least 15 hours per week or more, for up to three months after leaving TANF if they need employment-related transportation support services to meet a temporary need or emergency.

(2) Why do I receive support services?

Although not an entitlement, you may receive support services for the following reasons:

- (a) To help you participate in work and WorkFirst activities that lead to independence.
- (b) To help you to participate in job search, accept a job, keep working, advance in your job, or increase your wages.
- (c) You can also get help in paying your child care expenses through the working connections child care assistance program. (Chapter 110-15 WAC describes the rules for this child care assistance program.)

(3) What type of support services may I receive and what limits apply?

There is a limit of \$5,000 per person per program year (July 1st to June 30th) for WorkFirst support services you may receive.

The chart below shows the potential types of support services that are available ((for the different activities (as indicated by an "x") and the restrictions that apply.

Definitions:

- ~~Work-related activities include looking for work or participating in workplace activities, such as community jobs or a work experience position.~~

- ~~Safety-related activities include meeting significant or emergency family safety needs, such as dealing with family violence.~~

- ~~Some support services are available if you need them for other required activities in your IRP).~~

Type of Support Service	Restrictions	((Work))	((Safety))	((Other))
Reasonable accommodation for employment		((x		
Clothing/uniforms		((x		
Diapers		((x	x	x))
Haircut		((x		
((Lunch	Same rate as established by OFM for state employees	x))		
Personal hygiene		((x	x	x))
Professional, trade, association, union, and bonds		((x		x))
Relocation related to employment or safety (can include rent, housing, and deposits)		((x	x))	
Short-term lodging and meals in connection with job interviews/tests	Same rate as established by OFM for state employees	((x		
Tools/equipment		((x	x	x))
Car repair needed to restore car to operable condition		((x	x	x))
License/fees		((x	x	x))
Mileage reimbursement	Same rate as established by OFM for state employees	((x	x	x))
Transportation allotment, including fuel support		((x	x	x))
Counseling		((x	x	x))
Educational expenses		((x	x	x))
Medical exams (not covered by medicaid)		((x	x	x))
Public transportation		((x	x	x))
Testing-diagnostic		((x	x	x))
Housing and utilities	Funding allocated for ((07/01/2022)) 07/01/2024 - ((06/30/2023)) 06/30/2025 only	((x	x	x))

(4) What are the other requirements to receive support services?

Other restrictions on receiving support services are determined by the department or its agents. They will consider whether:

- (a) It is within available funds; and
- (b) It does not assist, promote, or deter religious activity; and
- (c) There is no other way to meet the cost.

(5) What happens to my support services if I do not participate as required?

The department will give you 10 days notice, following the rules in WAC 388-310-1600, then discontinue your support services until you participate as required.