

WSR 21-12-021
EXPEDITED RULES
STATE BOARD FOR COMMUNITY
AND TECHNICAL COLLEGES

[Filed May 24, 2021, 11:29 a.m.]

Title of Rule and Other Identifying Information: WAC 131-28-026 Tuition charges for certain ungraded courses.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Amends this section to align with WAC revisions submitted and adopted in 2013 as a result of SHB 1686 removing the term GED and federal Workforce Innovation and Opportunity Act (WIOA) modifies the English as a second language term to English language acquisition. No impact nor changes to other existing rules.

Reasons Supporting Proposal: Align outdated terminology to state and federal language changes.

Statutory Authority for Adoption: Chapter 28.50 [28B.50] RCW.

Statute Being Implemented: Not applicable.

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

Name of Proponent: Washington state board for community and technical colleges, public.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Scott Copeland, 1300 Quince Street S.E., Olympia, WA 98504, 360-704-4397.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: Terminology changes to language only.

This notice meets the following criteria to use the expedited adoption process for these rules:

Content is explicitly and specifically dictated by statute.

Explanation of the Reason the Agency Believes the Expedited Rule-Making Process is Appropriate: Rules language changes to match state and federal definitions.

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Beth Gordon, Washington State Board for Community and Technical Colleges, P.O. Box 42495, Olympia, WA 98504-2495, phone 360-704-4400, fax 360-704-4415, email bgordon@sbctc.edu, AND RECEIVED BY August 2, 2021.

May 19, 2021
 Beth Gordon
 Executive Assistant

AMENDATORY SECTION (Amending WSR 16-02-087, filed 1/5/16, effective 2/5/16)

WAC 131-28-026 Tuition charges for certain ungraded courses. (1) The state board shall designate ungraded courses. These courses may be offered at tuition rates that differ from the standard rates set by WAC 131-28-025. Ungraded shall mean courses not categorized by level of instruction and may be assigned degree credit or letter grades.

(2) Ungraded courses shall meet the following qualifications:

(a) The course has a specialized purpose in that it is intended to meet the unique educational needs of a specific category or group of students.

(b) The course is offered for the purpose of providing the individual student with a discrete skill or basic body of knowledge that is intended to enhance potential for initial or continued employment, parenting skills or retirement.

(c) The course cannot be administered as a contract course pursuant to WAC 131-28-027, 131-32-010, or 131-32-020.

(d) The course is not one specifically or primarily intended to satisfy requirements for receiving a high school diploma.

(3) Colleges may establish the amount of waiver for the following ungraded courses:

(a) Farm management and small business management;

(b) Emergency medical technician and paramedic continuing education;

(c) Retirement;

(d) Industrial first aid offered to satisfy WISHA and approved by the department of labor and industries;

(e) Journeyperson training in cooperation with joint apprenticeship and training committees;

(f) Parenting education including, but not limited to, cooperative preschool programs.

(4) The waiver amounts for the following ungraded courses shall conform with the following schedule:

(a) Adult basic education, English ((as a second) language(~~,- GED preparation~~)) acquisition, high school equivalency test: An amount to be established by the state board.

(b) Courses offered for the purpose of satisfying related or supplemental educational requirements for apprentices registered with the Washington state apprenticeship council or federal Bureau of Apprenticeship and Training: A college shall waive one-half of the standard per credit tuition and services and activities fee. The college may convert the credit hour charge to a rounded amount per clock hour. Colleges may deduct the tuition owed from training contracts with apprentice organizations.

(5) Students taking both regular and ungraded courses will be charged separately for the courses.

(6) Application of this section shall be subject to administrative procedures established by the state director with respect to maximum credit values of such ungraded courses, curriculum, or any unique circumstances related to enrollment in such courses.

(7) Ungraded course fees received pursuant to this section shall be accounted for and deposited in local college operating fee accounts established in RCW 28B.15.031.

(8) Ungraded course fees may be paid by the sponsoring entity rather than an individual student.

WSR 21-12-022
EXPEDITED RULES
STATE BOARD FOR COMMUNITY
AND TECHNICAL COLLEGES

[Filed May 24, 2021, 11:30 a.m.]

Title of Rule and Other Identifying Information: WAC 131-28-030 Waiver of tuition and fees for students who demonstration financial need.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Amends chapter 131-28 WAC to meet financial aid terminology changes as a result of ESSHB [E2SHB] 2158 (2019 session). No anticipated effects to rules, other than terminology changes.

Reasons Supporting Proposal: Aligns rules with amended statutory terminology changes.

Statutory Authority for Adoption: Chapter 28.50 [28B.50] RCW.

Statute Being Implemented: RCW 28B.92.030(2).

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

Name of Proponent: Washington state board for community and technical colleges, public.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Scott Copeland, 1300 Quince Street S.E., Olympia, WA 98504, 360-704-4397.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: Changes to match statute language.

This notice meets the following criteria to use the expedited adoption process for these rules:

Adopts or incorporates by reference without material change federal statutes or regulations, Washington state statutes, rules of other Washington state agencies, shoreline master programs other than those programs governing shorelines of statewide significance, or, as referenced by Washington state law, national consensus codes that generally establish industry standards, if the material adopted or incorporated regulates the same subject matter and conduct as the adopting or incorporating rule.

Content is explicitly and specifically dictated by statute.

Explanation of the Reason the Agency Believes the Expedited Rule-Making Process is Appropriate: Rules terminology changes to match statutory terminology changes as a result of ESSHB [E2SHB] 2158.

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF

THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Beth Gordon, Washington State Board for Community and Technical Colleges, P.O. Box 42495, Olympia, WA 98504-2495, phone 360-704-4400, fax 360-704-4415, email bgordon@sbctc.edu, AND RECEIVED BY August 2, 2021.

May 19, 2021

Beth Gordon

Executive Assistant

AMENDATORY SECTION (Amending WSR 16-02-087, filed 1/5/16, effective 2/5/16)

WAC 131-28-030 Waiver of tuition and fees for ~~((needy or disadvantaged))~~ students who demonstrate financial need. Pursuant to authority granted by RCW 28B.15.740, the boards of trustees of community and technical college districts are authorized to waive all or part of tuition and services and activities fees for ~~((needy))~~ students who demonstrate financial need: Provided, That the students shall qualify for such waiver under criteria set forth in WAC 131-28-040 through 131-28-045.

AMENDATORY SECTION (Amending WSR 95-13-070, filed 6/20/95, effective 7/21/95)

WAC 131-28-040 Criteria for determining eligibility for waiver of tuition and fees under RCW 28B.15.740. Waiver of tuition and services and activities fees under RCW 28B.15.740(1) shall be based upon the determination that the student ~~((is a "needy student"))~~ demonstrates financial need under a method of need analysis approved by the United States Department of Education for determining awards for federal student financial aid programs or a method adopted by the state board specifically for the purposes of this section, except as provided in WAC 131-28-045.

AMENDATORY SECTION (Amending WSR 16-02-087, filed 1/5/16, effective 2/5/16)

WAC 131-28-045 Procedure for implementing tuition and fee waivers authorized pursuant to RCW 28B.15.740. (1) Community and technical colleges may waive the tuition and service and activities fees for ~~((needy))~~ resident students who demonstrate financial need under the provisions of RCW 28B.15.740. The amount that can be waived under this provision is limited by the waiver limits set forth in RCW 28B.15.910.

(2) In addition, colleges may waive up to three-quarters of one percent of the estimated gross collection of tuition and service and activities fees for other students. These waivers are not to be awarded based on participation in intercollegiate athletics. The estimated gross collection of tuition and service and activities fees shall be based on budgeted, state supported, annual average enrollment, after deducting the portion of the gross amount which is attributed to the difference between resident and nonresident tuition and fees.

WSR 21-12-023
EXPEDITED RULES
STATE BOARD FOR COMMUNITY
AND TECHNICAL COLLEGES

[Filed May 24, 2021, 11:31 a.m.]

May 19, 2021
 Beth Gordon
 Executive Assistant

Title of Rule and Other Identifying Information: Chapter 131-36 WAC, Institutional financial aid fund.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Amends to meet financial aid terminology changes as a result of ESSHB [E2SHB] 2158 (2019 session). No anticipated effects to rules, other than terminology changes.

Reasons Supporting Proposal: Aligns rules with amended statutory terminology changes.

Statutory Authority for Adoption: Chapter 28.50 [28B.50] RCW.

Statute Being Implemented: RCW 28B.92.030(2).

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

Name of Proponent: Washington state board for community and technical colleges, public.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Scott Copeland, 1300 Quince Street S.E., Olympia, WA 98504, 360-704-4397.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: Changes to match statute language attached.

This notice meets the following criteria to use the expedited adoption process for these rules:

Adopts or incorporates by reference without material change federal statutes or regulations, Washington state statutes, rules of other Washington state agencies, shoreline master programs other than those programs governing shorelines of statewide significance, or, as referenced by Washington state law, national consensus codes that generally establish industry standards, if the material adopted or incorporated regulates the same subject matter and conduct as the adopting or incorporating rule.

Content is explicitly and specifically dictated by statute.

Explanation of the Reason the Agency Believes the Expedited Rule-Making Process is Appropriate: Rules terminology changes to match statutory terminology changes as a result of ESSHB [E2SHB] 2158.

NOTICE

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AMENDATORY SECTION (Amending WSR 16-11-016, filed 5/6/16, effective 6/6/16)

WAC 131-36-050 Definitions. For the purposes of chapter 131-36 WAC, the following definitions shall apply:

(1) "Fund" shall mean the institutional financial aid fund established by RCW 28B.15.820.

(2) "Current federal methodology" shall mean the method of determining financial need as prescribed by the United States Department of Education.

(3) "Loan guarantor" shall mean the Washington student loan guaranty association or its successor agency authorized to guarantee educational loans in Washington granted pursuant to 20 U.S. Code Section 1071.

(4) "Operational" shall mean that the institution has been approved as a lender and is eligible to provide loans guaranteed by the Washington student loan guaranty association successor agency.

(5) "~~((Needy))~~ Eligible student" is defined in RCW 28B.92.030(3).

(6) "Other institutional financial aid" shall be defined as locally administered, need-based institutional employment, tuition and fee scholarships, or grants.

AMENDATORY SECTION (Amending WSR 16-11-016, filed 5/6/16, effective 6/6/16)

WAC 131-36-055 Use of fund. Moneys in this fund shall be used for student financial aid:

(1) Long-term loans;

(2) Short-term loans; or

(3) Locally administered need-based grants, tuition scholarships and institutional employment programs for ~~((needy;))~~ resident students who demonstrate financial need, or a financial aid program for high school students enrolled in a dual credit program to cover expenses including, but not limited to, tuition, fees, course materials, and transportation. The moneys in this fund shall not be used for college operating expenses.

AMENDATORY SECTION (Amending WSR 16-11-016, filed 5/6/16, effective 6/6/16)

WAC 131-36-100 Eligibility. (1) Long-term loans and other institutional financial aid to ~~((needy;))~~ students who demonstrate financial need shall be made only to students who qualify as residents for tuition purposes under RCW 28B.15.012 (2)(a) through (e) or to align with federal guidelines and are enrolled for at least three credit hours of instruction or the equivalent.

(2) Priorities for use of other institutional financial aid shall be given to:

(a) ~~((Needy;))~~ Students who have accumulated excessive educational loan burdens;

(b) ~~((Needy;))~~ Single parents who are students with demonstrated financial need for educational expenses, including child care and transportation;

(c) Other eligible (~~(needy)~~) students who demonstrate financial need; and

(d) (~~(Needy dual credit)~~) Enrolled dual credit students who demonstrate financial need for tuition, fees, course materials, and transportation.

(3) Short-term loans may be made to any student enrolled in the institution.

(4) For long-term and short-term loans, institutions must have ample evidence that students have the capability of repaying the loan within the time frame specified by the institution.

(5) No individual shall be eligible for long-term loans, short-term loans or other institutional financial aid for (~~(needy)~~) students who demonstrate financial need if currently in default or delinquent in the payment on any educational loan or who owes a repayment on any federal or state grant.

WSR 21-12-024

EXPEDITED RULES

STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

[Filed May 24, 2021, 11:32 a.m.]

Title of Rule and Other Identifying Information: Chapter 131-47 WAC, Project even start.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Removes chapter 31-47 WAC from Title 131 WAC, Community and technical colleges, board for. No impact nor changes to other existing rules.

Reasons Supporting Proposal: Statute expired August 1, 2015.

Statutory Authority for Adoption: Chapter 28.50 [28B.50] RCW.

Statute Being Implemented: Not applicable.

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

Name of Proponent: Washington state board for community and technical colleges, public.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Scott Copeland, 1300 Quince Street S.E., Olympia, WA 98504, 360-704-4397.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: Not applicable.

This notice meets the following criteria to use the expedited adoption process for these rules:

Content is explicitly and specifically dictated by statute.

This notice meets the following criteria to use the expedited repeal process for these rules:

The statute on which the rule is based has been repealed and has not been replaced by another statute providing statutory authority for the rule.

Explanation of the Reason the Agency Believes the Expedited Rule-Making Process is Appropriate: Statute expired August 1, 2015.

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Beth Gordon, Washington State Board for Community and Technical Colleges, P.O. Box 42495, Olympia, WA 98504-2495, phone 360-704-4400, fax 360-704-4415, email bgordon@sbctc.edu, AND RECEIVED BY August 2, 2021.

May 19, 2021

Beth Gordon

Executive Assistant

REPEALER

The following chapter of the Washington Administrative Code is repealed:

- WAC 131-47-010 Authority.
- WAC 131-47-015 Purpose.
- WAC 131-47-020 Public policy goals of project even start.
- WAC 131-47-025 Project even start—Definition.
- WAC 131-47-030 Child development knowledge—Definition.
- WAC 131-47-035 Other eligible program components—Definition.
- WAC 131-47-040 Eligible grantee—Definition.
- WAC 131-47-045 Eligible parents—Definition.
- WAC 131-47-050 Basic skills—Definition.
- WAC 131-47-055 Standardized test—Definition.
- WAC 131-47-060 Transportation—Definition.
- WAC 131-47-065 Child care—Definition.
- WAC 131-47-070 Directly necessary activities—Definition.
- WAC 131-47-075 Indirect expenditures—Definition.
- WAC 131-47-080 Assurance of nonsupplanting—Program standard.
- WAC 131-47-085 Assurance of cooperation with the department of social and health services regarding public assistance reports—Program standard.
- WAC 131-47-090 Assurance to submit annual evaluation report to the state board for community and technical colleges.
- WAC 131-47-095 Reporting requirements.

- WAC 131-47-100 Request for even start project grants to the state board for community and technical colleges.
- WAC 131-47-105 Assurance of cooperation with state auditor.
- WAC 131-47-110 Assurance of service to targeted groups.
- WAC 131-47-125 Even start advisory committee.
- WAC 131-47-130 Duties of even start advisory committee.
- WAC 131-47-135 Preference for existing programs before developing new programs.
- WAC 131-47-140 Coordination of programs.
- WAC 131-47-145 Evaluation criteria for project even start.
- WAC 131-47-150 Performance standards for project even start.
- WAC 131-47-155 Administrative expenditures.
- WAC 131-47-160 Liability insurance.
- WAC 131-47-165 Bonding.

This notice meets the following criteria to use the expedited repeal process for these rules:

The statute on which the rule is based has been repealed and has not been replaced by another statute providing statutory authority for the rule.

Explanation of the Reason the Agency Believes the Expedited Rule-Making Process is Appropriate: Statute expired August 1, 2015.

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Beth Gordon, Washington State Board for Community and Technical Colleges, P.O. Box 42495, Olympia, WA 98504-2495, phone 360-704-4400, fax 360-704-4415, email bgordon@sbctc.edu, AND RECEIVED BY August 2, 2021.

May 19, 2021

Beth Gordon

Executive Assistant

WSR 21-12-025

EXPEDITED RULES

STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

[Filed May 24, 2021, 11:33 a.m.]

Title of Rule and Other Identifying Information: Chapter 131-49 WAC, Regulations for the administration of the displaced homemaker program.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Removes chapter 131-49 WAC from Title 131 WAC, Community and technical colleges, board for. No impact nor changes to other existing rules.

Reasons Supporting Proposal: Statute expired August 1, 2015.

Statutory Authority for Adoption: Chapter 28.50 [28B.50] RCW.

Statute Being Implemented: Not applicable.

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

Name of Proponent: Washington state board for community and technical colleges, public.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Scott Copeland, 1300 Quince Street S.E., Olympia, WA 98504, 360-704-4397.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: Not applicable.

This notice meets the following criteria to use the expedited adoption process for these rules:

Content is explicitly and specifically dictated by statute.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

- WAC 131-49-010 Purpose.
- WAC 131-49-020 Program administration.
- WAC 131-49-030 Advisory committee.
- WAC 131-49-040 Definitions.
- WAC 131-49-050 Utilization of available contract funds.
- WAC 131-49-060 Eligibility to apply for contracts.
- WAC 131-49-070 Calendar and closing dates for applications and awards.
- WAC 131-49-080 Content of application.
- WAC 131-49-090 Standards to be met by applicants.
- WAC 131-49-100 Required assurances.
- WAC 131-49-110 Criteria for selection of contracts to be awarded.
- WAC 131-49-120 Procedure for selection of contracts to be awarded.
- WAC 131-49-130 Incorporation of applications in contracts.
- WAC 131-49-140 Length of contract periods.
- WAC 131-49-150 Amendment of contracts.
- WAC 131-49-160 Eligible expenditures and matching requirements.

WAC 131-49-170 Payments under approved contracts.
 WAC 131-49-180 Withholding of contract payments.
 WAC 131-49-190 Accounting, reporting, and records retention requirements.
 WAC 131-49-200 Program audits.

Coordinator, Department of Social and Health Services, P.O. Box 45850, phone 360-664-6097, fax 360-664-6185, email DSHSRPAURulesCoordinator@dshs.wa.gov, AND RECEIVED BY August 2, 2021.

May 27, 2021
 Katherine I. Vasquez
 Rules Coordinator

WSR 21-12-066
EXPEDITED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Economic Services Administration)
 [Filed May 28, 2021, 7:26 a.m.]

Title of Rule and Other Identifying Information: The department is proposing to amend WAC 388-480-0001 Does being on strike impact my eligibility for the Washington basic food program?

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The proposed housekeeping amendment to WAC 388-480-0001 corrects a typographical error without changing the effect of the rule.

Reasons Supporting Proposal: These amendments meet the criteria for expedited adoption as set forth in RCW 34.05.353 (1)(c): "The proposed rules only correct typographical errors, make address or name changes, or clarify language of a rule without changing its effect."

Statutory Authority for Adoption: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090, 74.04.510.

Statute Being Implemented: Not applicable.

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

Name of Proponent: Department of social and health services, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Patrick Budde, P.O. Box 45470, Olympia, WA 98504, 360-764-0068.

This notice meets the following criteria to use the expedited adoption process for these rules:

Corrects typographical errors, make address or name changes, or clarify language of a rule without changing its effect.

Explanation of the Reason the Agency Believes the Expedited Rule-Making Process is Appropriate: The amendment corrects a typographical error without changing the effect of the rule.

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Katherine Vasquez, Rules

AMENDATORY SECTION (Amending WSR 03-22-037, filed 10/28/03, effective 12/1/03)

WAC 388-480-0001 Does being on strike impact my eligibility for the Washington basic food program? (1) A strike is a work stoppage, slowdown or other interruption of work caused by employees. This includes when a stoppage happens because a collective bargaining agreement has expired.

(2) We do not consider you to be on strike if you:

(a) Are locked out by your employer;

(b) Do not have work available as a result of striking employees;

(c) Are not a member of the bargaining unit on strike and you fear someone may physically hurt you if you cross a picket line; or

(d) Would have been exempt from work registration under WAC ((~~388-444-0015~~) 388-444-0010) the day before the strike for any reason other than being employed at least thirty hours per week.

(3) If a person in your assistance unit (AU) is a striker, your AU is not eligible for basic food unless:

(a) Your AU met all income requirements the day before the strike; and

(b) You meet all other requirements of the basic food program as described in WAC 388-400-0040.

(4) If someone in your AU is on strike, your AU cannot receive a higher amount of basic food benefits solely because the person receives less income as a direct result of being on strike. We count the larger of the two following amounts to determine if your AU is eligible and calculate your benefits:

(a) The striker's income before they went on strike; or

(b) The striker's current income.