

WSR 21-01-184
PROPOSED RULES
DEPARTMENT OF
CHILDREN, YOUTH, AND FAMILIES
[Filed December 21, 2020, 3:10 p.m.]

Original Notice.

Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1).

Title of Rule and Other Identifying Information: WAC 110-15-0040
Approved activities for applicants and consumers participating in
WorkFirst and 110-15-0045 Approved activities for applicants and con-
sumers not participating in WorkFirst.

Hearing Location(s): On January 26, 2021, telephonic. Oral com-
ments may be made by calling 360-902-8084 and leaving a voicemail that
includes the comment and an email or physical mailing address where
the department of children, youth, and families (DCYF) will send its
response. Comments received through and including January 26, 2021,
will be considered.

Date of Intended Adoption: January 27, 2021.

Submit Written Comments to: DCYF Rules Coordinator, P.O. Box
40975, email dcyf.rulescoordinator@dcyf.wa.gov, submit comments online
at [https://dcyf.wa.gov/practice/policy-laws-rules/rule-making/
participate/online](https://dcyf.wa.gov/practice/policy-laws-rules/rule-making/participate/online), by January 26, 2021.

Assistance for Persons with Disabilities: Contact DCYF rules co-
ordinator, phone 360-902-7956, email
dcyf.rulescoordinator@dcyf.wa.gov, by January 22, 2021.

Purpose of the Proposal and Its Anticipated Effects, Including
Any Changes in Existing Rules: For the working connections child care
program eligibility, relieve single parents enrolled in specified edu-
cation programs from the work requirement.

Reasons Supporting Proposal: The proposed amendments are necessa-
ry to implement SHB 2456.

Statutory Authority for Adoption: RCW 43.215.060 and 43.215.070.

Statute Being Implemented: RCW 43.216.136.

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

Name of Proponent: DCYF, governmental.

Name of Agency Personnel Responsible for Drafting: Toni Sebas-
tian, DCYF, 206-200-0824; Implementation and Enforcement: DCYF, state-
wide.

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. DCYF
is not among the agencies listed as required to comply with RCW
34.05.328 (5)[(a)](i). Further, DCYF does not voluntarily make that
section applicable to the adoption of this rule.

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).

December 21, 2020
Brenda Villarreal
Rules Coordinator

OTS-2795.1

AMENDATORY SECTION (Amending WSR 18-14-078, filed 6/29/18, effective 7/1/18)

WAC 110-15-0040 Approved activities for applicants and consumers participating in WorkFirst.

(1) Applicants and consumers who participate in WorkFirst activities may be eligible for WCCC benefits for the following approved activities in their individual responsibility plans (IRPs), for up to a maximum of sixteen hours per day, including:

~~((1))~~ (a) An approved WorkFirst activity under WAC 388-310-0200, with the following exception: In-home/relative providers who are paid child care subsidies to care for children receiving WCCC benefits may not receive those benefits for their own children during the hours in which they provide subsidized child care. These consumers may be eligible for other approved activities in their IRPs;

~~((2))~~ (b) Employment as defined in WAC ~~((170-290-0003))~~ 110-15-0003;

~~((3))~~ (c) Self-employment as defined in WAC ~~((170-290-0003))~~ 110-15-0003 and as described in the consumer's current WorkFirst IRP;

~~((4) Transportation)~~ (d) Travel time between the ~~((location~~ ~~ef))~~ child care location and the consumer's place of employment or approved activity;

~~((5))~~ (e) Up to ten hours per week of study time for approved classes; ~~((and~~

~~(6))~~ (f) Up to eight hours of sleep time before or after a night shift; and

(g) Any activity approved by tribal TANF.

(2) WorkFirst consumers participating in approved activities for at least one hundred ten hours per month as described in WAC 110-15-0190 are considered to have a schedule of Monday through Friday, 8:00 a.m. to 5:00 p.m., except when:

(a) The consumer's IRP specifies a different schedule; or

(b) Verified differently by the consumer.

[WSR 18-14-078, recodified as § 110-15-0040, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 16-09-059, § 170-290-0040, filed 4/15/16, effective 5/16/16; WSR 12-11-025, § 170-290-0040, filed 5/8/12, effective 6/8/12. Statutory Authority: Chapter 43.215 RCW, RCW 43.215.060, 43.215.070, 2011 1st sp.s. c 42, 2011 1st sp.s. c 50, and 2006 c 265 § 501. WSR 11-18-001, § 170-290-0040, filed 8/24/11, effective 9/24/11. Statutory Authority: RCW 43.215.060, 43.215.070, 2006 c 265, and chapter 43.215 RCW. WSR 09-22-043, § 170-290-0040, filed 10/28/09, effective 12/1/09. WSR 08-08-047, recodified as § 170-290-0040, filed 3/27/08, effective 3/27/08. Statutory Authority: RCW 74.04.050, 74.12.340, 74.13.085, and 2003 1st sp.s. c 25. WSR 04-08-021 and 04-08-134, § 388-290-0040, filed 3/29/04 and 4/7/04, effective 5/28/04. Statutory Authority: RCW 74.04.050, 74.13.085. WSR 02-12-069, § 388-290-0040, filed 5/31/02, effective 7/1/02. Statutory Authority: RCW 74.04.050 and C.F.R. Parts 98 and 99 (Child Care Development Fund Rules). WSR 02-01-135, § 388-290-0040, filed 12/19/01, effective 1/19/02.]

AMENDATORY SECTION (Amending WSR 19-08-020, filed 3/26/19, effective 4/26/19)

WAC 110-15-0045 Approved activities for applicants and consumers not participating in WorkFirst. (1) Applicants and consumers not participating in WorkFirst activities may be eligible for WCCC benefits for the following approved activities ((as described below.

~~(1) Applicants and consumers who are)) :~~

~~(a) ((Employed)) Employment;~~

~~(b) ((Self-employed)) Self-employment; or~~

~~(c) ((Participating in)) The following education programs:~~

~~(i) High school or a general educational development (GED) program for consumers under twenty-two years of age;~~

~~(ii) A vocational education program that is combined with an average of twenty or more employment hours per week or sixteen more work-study hours per week;~~

~~(iii) A vocational education program for consumers who are single parents enrolled full time and in good standing;~~

~~(iv) Supplemental nutrition assistance program employment & training ((services)) (SNAP E&T) ((may be eligible for WCCC benefits for up to a maximum of sixteen hours per day, including travel, study, and sleep time before or after a night shift.~~

~~(2) Special requirements for education.~~

~~(a) An applicant or consumer who is under twenty-two years of age:~~

~~(i) May be eligible for WCCC benefits for high school (HS) or general educational development (GED) program without a minimum number of employment hours.~~

~~(ii) May be eligible for WCCC benefits for up to thirty-six months during the consumer's lifetime for participation in vocational education. The consumer must work either an average of twenty or more hours per week of unsubsidized employment or an average of sixteen or more hours per week in a paid federal or state work study program. The vocational education program must lead to a degree or certificate in a specific occupation and be offered by the following accredited entities only:~~

~~(A) Public and private technical college or school;~~

~~(B) Community college; or~~

~~(C) Tribal college.~~

~~(b) An applicant or consumer who is twenty-two years of age or older:~~

~~(i) May be eligible for WCCC benefits up to twenty-four months during the consumer's lifetime for participation in high school/general education development, adult basic education (ABE) or English as a second language (ESL). The consumer must work either an average of twenty or more hours per week of unsubsidized employment, or an average of sixteen or more hours per week in a paid federal or state work study program.~~

~~(ii) May be eligible for WCCC benefits up to thirty-six months during the consumer's lifetime for participation in vocational education. The consumer must work either an average of twenty or more hours per week of unsubsidized employment, or an average of sixteen or more hours per week in a paid federal or state work study program. The vocational education program must lead to a degree or certificate in a specific occupation and be offered by the following accredited entities only:~~

~~(A) Public and private technical college or school;~~

~~(B) Community college; or~~

~~(C) Tribal college.~~

~~(e) An applicant or consumer may be eligible for WCCC benefits up to ten hours per week for study time for approved classes); or~~

(v) Adult basic education (ABE) and English as a second language (ESL) for consumers who are at least twenty-two years old.

(d) Applicants and consumers who meet the requirements of (c) of this subsection are eligible to receive subsidy payment for up to ten hours per week of study time for approved classes.

(2) Applicants and consumers who are eligible under the terms of this section are eligible to receive subsidy payment for transportation time between the child care location and the consumer's place of employment or approved activity.

(3) Applicants and consumers who are eligible under the terms of this section are eligible to receive subsidy payment for up to eight hours of sleep time before or after a night shift.

[Statutory Authority: RCW 43.216.055, 43.216.065 and 42 U.S.C. 9858, et seq. WSR 19-08-020, § 110-15-0045, filed 3/26/19, effective 4/26/19. WSR 18-14-078, recodified as § 110-15-0045, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 16-09-059, § 170-290-0045, filed 4/15/16, effective 5/16/16. Statutory Authority: Chapter 43.215 RCW. WSR 12-21-008, § 170-290-0045, filed 10/5/12, effective 11/5/12. Statutory Authority: RCW 43.215.070, 43.215.060 and chapter 43.215 RCW. WSR 12-11-025, § 170-290-0045, filed 5/8/12, effective 6/8/12. Statutory Authority: Chapter 43.215 RCW, RCW 43.215.060, 43.215.070, 2011 1st sp.s. c 42, 2011 1st sp.s. c 50, and 2006 c 265 § 501. WSR 11-18-001, § 170-290-0045, filed 8/24/11, effective 9/24/11. Statutory Authority: RCW 43.215.060, 43.215.070, 2006 c 265, and chapter 43.215 RCW. WSR 09-22-043, § 170-290-0045, filed 10/28/09, effective 12/1/09. WSR 08-08-047, recodified as § 170-290-0045, filed 3/27/08, effective 3/27/08. Statutory Authority: RCW 74.12.340. WSR 06-12-094, § 388-290-0045, filed 6/6/06, effective 7/7/06. Statutory Authority: RCW 74.04.050, 74.12.340, 74.13.085, and 2003 1st sp.s. c 25. WSR 04-08-021 and 04-08-134, § 388-290-0045, filed 3/29/04 and 4/7/04, effective 5/28/04. Statutory Authority: RCW 74.04.050, 74.13.085. WSR 02-12-069, § 388-290-0045, filed 5/31/02, effective 7/1/02. Statutory Authority: RCW 74.04.050 and C.F.R. Parts 98 and 99 (Child Care Development Fund Rules). WSR 02-01-135, § 388-290-0045, filed 12/19/01, effective 1/19/02.]