



**RULE-MAKING ORDER
EMERGENCY RULE ONLY**

**CR-103E (October 2017)
(Implements RCW 34.05.350
and 34.05.360)**

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: October 18, 2017

TIME: 10:56 AM

WSR 17-21-114

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

Effective date of rule:

Emergency Rules

- Immediately upon filing.
- Later (specify) October 19, 2017

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 proposing to amend WAC 388-310-0300 "WorkFirst—Infant care exemptions for mandatory participants" and WAC 388-310-1450 "Pregnancy to employment" to comply with legislation extending the Infant Exemption to WorkFirst participants with children under the age of two for a lifetime limit of 24 months.

Citation of rules affected by this order:

- New: None
- Repealed: None
- Amended: WAC 388-310-0300, WAC 388-310-1450
- Suspended: None

Statutory authority for adoption: RCW 74.08A.270, RCW 74.08A.260, RCW 74.04.050, RCW 74.08.090, RCW 74.04.055

Other authority: ESSB 5898

EMERGENCY RULE

Under RCW 34.05.350 the agency for good cause finds:

- That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
- That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this finding: Engrossed Substitute Senate Bill 5898 from the 65th Legislature 2017 3rd Special Session requires enactment of this state law by October 19, 2017.

**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| Federal statute: | New | ___ | Amended | ___ | Repealed | ___ |
| Federal rules or standards: | New | ___ | Amended | ___ | Repealed | ___ |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>2</u> | Repealed | ___ |

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

| | | | | | |
|-----|-----|---------|-----|----------|-----|
| New | ___ | Amended | ___ | Repealed | ___ |
|-----|-----|---------|-----|----------|-----|

The number of sections adopted on the agency's own initiative:

| | | | | | |
|-----|-----|---------|-----|----------|-----|
| New | ___ | Amended | ___ | Repealed | ___ |
|-----|-----|---------|-----|----------|-----|

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

| | | | | | |
|-----|-----|---------|-----|----------|-----|
| New | ___ | Amended | ___ | Repealed | ___ |
|-----|-----|---------|-----|----------|-----|

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>2</u> | Repealed | ___ |

Date: October 13, 2017

Name: Katherine I. Vasquez

Title: DSHS Rules Coordinator

Signature:



AMENDATORY SECTION (Amending WSR 15-09-037, filed 4/9/15, effective 5/10/15)

WAC 388-310-0300 WorkFirst—Infant care exemptions for mandatory participants. (1) **When can I be exempted from participating in WorkFirst activities if I am a mandatory participant?**

Either you or the other parent (living in the household) can claim an infant exemption from participating in WorkFirst activities provided you:

(a) Have a child under (~~one year~~) two years of age;

(b) Choose to not fully participate in the WorkFirst program (see WAC 388-310-0400); and

(c) Have not used up your lifetime (~~twelve month~~) twenty-four month infant exemption.

(2) **If I choose my infant exemption, can I still be required to participate in the WorkFirst program?**

You are required to participate up to twenty hours per week in parenting education or parent skills training, mental health and/or chemical dependency treatment if:

(a) The comprehensive evaluation or assessment indicates a need; and

(b) Services are available in your community.

(3) **Can I volunteer to participate in WorkFirst while I have a child under (~~one~~) two years of age?**

You may choose to fully participate in WorkFirst (see WAC 388-310-0400) while you have a child under (~~one year~~) two years of age. If you decide later to stop participating and you still qualify for an exemption, you will be put back into exempt status with no financial penalty provided you meet conditions (1) and (2) above.

(4) **Does an infant exemption from participation affect my sixty-month time limit for receiving TANF or SFA benefits?**

Even if you are exempt from participation, each month you receive a TANF/SFA grant counts toward your sixty-month limit (see WAC 388-484-0005).

AMENDATORY SECTION (Amending WSR 15-09-037, filed 4/9/15, effective 5/10/15)

WAC 388-310-1450 Pregnancy to employment. (1) **How do I know if I am eligible to participate in pregnancy to employment?**

If you are on TANF/SFA and are pregnant or have a child under the age of (~~one year~~) two years, you are a participant in the pregnancy to employment pathway.

(2) **What services are provided to the pregnancy to employment pathway?**

(a) The pregnancy to employment pathway provides you with services, when available in your community, to help you learn how to work, look for work, or prepare for work while still meeting your child's needs. You and your case manager or social worker will decide which variety of services you need such as:

(i) Parenting education or parenting skills training;

(ii) Safe and appropriate child care;

- (iii) Mental health treatment;
- (iv) Chemical dependency treatment;
- (v) Domestic violence services; or
- (vi) Employment services.

(b) The case manager or social worker will contact you every three months to offer you services if you are not required to participate and choose to claim the infant exemption.

(3) What am I required to do while I am in the pregnancy to employment pathway?

You must participate in an assessment with a DSHS social worker and based on the results you will:

(a) Work with your case manager/social worker to decide which required activities best meet your needs. These activities will depend on where you are in the pregnancy or the age of your child and will be added to your individual responsibility plan (IRP).

(b) Be required to participate in the activities identified in your IRP.

(4) What am I required to do while I am pregnant?

Based upon the results of your assessment, your participation:

(a) During your first and second trimester of pregnancy will be full-time work, looking for work, or preparing for work unless you have a good reason to participate fewer hours (see WAC 388-310-1600).

(b) During your third trimester of pregnancy will be up to twenty hours per week in parenting education or parenting skills training, mental health and/or chemical dependency treatment if:

(i) The comprehensive evaluation or assessment indicates a need; and

(ii) Services are available in your community.

(5) What am I required to do after my child is born?

After the birth of your child, you may choose to take the infant exemption (See WAC 388-310-0300) or volunteer to participate in Work-First activities to the fullest of your abilities (see WAC 388-310-0400).

(6) What if I have used my (~~twelve-month~~) twenty-four month lifetime infant exemption?

If you have another child after using all (~~twelve~~) twenty-four months of the infant exemption, you will be:

(a) Eligible for a twelve-week postpartum deferral period to personally take care of an infant less than twelve weeks of age. During the twelve-week postpartum deferral period, you will be required to participate up to twenty hours per week in mental health and/or chemical dependency treatment if the comprehensive evaluation or assessment indicates a need and services are available in your community.

(b) Required (unless otherwise exempt or you have good reason to participate fewer hours) to participate full time, once your child turns twelve-weeks old. Activities in which you are required to participate include one or more of the following:

(i) Work;

(ii) Looking for work; or

(iii) Preparing for work by participating in a combination of activities based upon the results of your assessment.

(7) Will I be sanctioned if I refuse to participate?

(a) You are required to participate in the WorkFirst program (see WAC 388-310-0200) subject to sanction (see WAC 388-310-1600) unless you have good reason and you:

(i) Are in your third trimester of pregnancy; or

(ii) Have not used up your (~~twelve-month~~) twenty-four month lifetime infant exemption and have a child under the age of (~~one year~~) two years old; or

(iii) Have used up your (~~twelve-month~~) twenty-four month lifetime infant exemption and have a child under twelve weeks.

(b) You may be sanctioned if you stop participating in required parenting education or parenting skills training, mental health and/or chemical dependency treatment even if you are in your third trimester, claiming the infant exemption, or using a twelve-week postpartum deferral period.