



RULE-MAKING ORDER

CR-103P (May 2009)
(Implements RCW 34.05.360)

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

Permanent Rule Only

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 updating WAC 388-426-0005 "How do I make a complaint to the department?" with the correct information for contacting the United States Department of Agriculture (USDA) in order to file a Civil Rights complaint or receive more information. The update also changes the title of the USDA director, the phone number for USDA, and changes "Food Stamp Act" to "Food and Nutrition Act of 2008".

Citation of existing rules affected by this order:

Repealed: None
 Amended: WAC 388-426-0005
 Suspended: None

Statutory authority for adoption: RCW 74.04.050, RCW 74.04.055, RCW 74.04.057, RCW 74.04.510, RCW 74.04.515, RCW 74.08.090

Other authority:

PERMANENT RULE (Including Expedited Rule Making)

Adopted under notice filed as WSR 16-01-143 on December 21, 2015 (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: _____ phone () _____
 Address: _____ fax () _____
 e-mail _____

Date adopted:

June 29, 2016

NAME (TYPE OR PRINT)

Katherine Vasquez

SIGNATURE

TITLE

DSHS Rules Coordinator

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: June 29, 2016

TIME: 11:32 AM

WSR 16-14-049

**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Federal statute:	New	_____	Amended	_____	Repealed	_____
Federal rules or standards:	New	_____	Amended	_____	Repealed	_____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>1</u>	Repealed	_____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New	_____	Amended	_____	Repealed	_____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 in 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	_____	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>1</u>	Repealed	_____

WAC 388-426-0005 How do I make a complaint to the department?

If you do not agree with a decision we made or an action we took, you can make a complaint. We address your concerns based on the nature of your complaint.

Civil Rights:

(1) We will not discriminate based on your race, color, national origin, sex, age, disability, religion, or political beliefs. This agrees with:

(a) Federal law and policy of the United States Department of Agriculture (USDA) and the United States Department of Health and Human Services (HHS) that ban discrimination based on race, color, national origin, sex, age or disability; and

(b) The Food (~~Stamp~~) and Nutrition Act of 2008 and USDA policy, which bans discrimination on religion or political beliefs.

(2) To file a complaint that we discriminated based on your race, color, national origin, sex, age, disability, religion, or political beliefs, contact USDA or HHS:

Write:	
USDA	HHS
Director, Office of the <u>Assistant Secretary for Civil Rights</u>	Director, Office for Civil Rights
1400 Independence Avenue, S.W.	Room 506-F
Washington, D.C. 20250-9410	200 Independence Avenue, S.W.
	Washington, D.C. 20201
Or call:	
USDA	HHS
((800) 795-3272) <u>(866) 632-9992</u> (voice); or	(202) 619-0403 (voice); or
((202) 720-6382) <u>(800) 877-8339</u> (TTY).	(202) 619-3257 (TTY).
USDA and HHS are equal opportunity providers and employers.	

Complaints about our decisions or actions:

(3) If you do not agree with a decision we made or an action we took, you may use our complaint process:

(a) **Supervisor review:** You may give a supervisor a written complaint. We will:

(i) Make a decision about your written complaint within ten days of the date we get it; and

(ii) Send you a letter telling you what we decided and that you may have another review by the local office administrator if you ask for it.

(b) **Administrator review:** If you do not accept the decision you get from a supervisor, you may give the local office administrator a written complaint. We will:

(i) Make a decision about your written complaint within ten days of the date we get it; and

(ii) Send you a letter telling you what we decided.

- (4) When we send you a letter with the administrator's decision, this ends the complaint process.
- (5) If you file a written complaint, you may still ask for a fair hearing under chapter 388-02 WAC.
- (6) You may always speak with your worker's supervisor or have them review your worker's decision even if you do not file a formal complaint.