

## 6.8.1 What are exemptions?

Exemptions support households where situational needs create hardships to engagement -in WorkFirst -activities. In most circumstances, e  
~~E~~xemptions waive mandatory participation requirements for participants individuals who aren't able to actively engage participate in working, looking for work or preparing for work.

When placing a participant into an exemption, assess their specific situation and needs, taking into consideration the entire household. Grant participants an exemption if they:

1. Are the parent participants or legal guardian of a child under the age of two (see WHFB 5.1) or less,
2. Are a needy caregiver relative and aged 55 or older,
3. Have a severe and chronic medically verified condition (including individuals likely to be approved for SSI or other federal benefits),
4. Must be in the home to care for a child with special needs, or
5. Must be in the home to care for an adult relative with a severe and chronic medical condition.

An exemption from participation may not always be appropriate. Defer participants who have health or family issues that *temporarily* interfere with their ability to work (instead of exempt) from job search and other WorkFirst activities. See WFHB 6.3, Deferrals, for more information.

**Example #1:** Lee is a single parent with two children ages 12 and 14. Lee is also caring for their elderly father who was recently diagnosed with dementia, lives in their home and needs round the clock care. Lee shares with the case manager that there is relief care available when Lee sleeps, but that during the day Lee needs to be home to support with daily activities for their father. Lee and the case manager agree their IRP should reflect that Lee is exempt from participation due to caring for an adult relative with a severe and chronic medical condition (ZB component).

**Example #2:** After many years of medication management, and behavioral and medical treatment, Micah has been denied at the final appeals level with SSA for SSI for his diagnosis of severe depressive disorder and severe pain disorder. Micah also has a back injury that keeps him from returning to heavy exertion types of employment. With the combination of his severe depressive disorder symptoms and his sedentary work needs, Micah is unable to return to the workforce at this time. His case manager has provided him resources for retraining with ~~about~~ the Division of Vocational Rehabilitation - (DVR) (WFHB 1.2.9), but Micah stated his symptoms, severe pain, and insomnia create problems for him to focus and maintain employment. He has provided medical evidence from both his medical and behavioral health providers stating his condition is 12 months or longer in duration and treatment will not lessen his symptoms. Micah and his case manager agree his IRP should reflect that he is exempt from participation as an adult with severe and chronic disabilities (ZD component).

**Example #3:** Maggie provided documentation that she has bi-polar depression, anxiety, a history of substance abuse and some permanent limited mobility due to a back injury which limits her ability to sit or stand for long periods of time. Her doctor said that due to Maggie's mental and medical health issues, she would be unable to work for 12 months or longer. The doctor recommended that Maggie could benefit from mental health treatment and referred her to begin counseling and medication. Maggie and her case manager agree that applying for SSI would be a good option for long-term income. Based on the conversation with Maggie, and documentation from her doctor, her IRP should reflect that she is exempt from work activities as an adult with severe and chronic disabilities (ZD component). However, in addition to the ZD component, based on the direction of her doctor, her IRP would also require mental health treatment (XE component) and working with the SSIF to pursue SSI (XB component).

**Example #43:** Rene is a single mother of a child who is seven and has significant behavioral needs. Her child isn't able to attend school due to the child's emotional and medical needs. Rene is working with her child's providers to evaluate and support the child's needs. She has multiple appointments out of town to see specialists and is unable to engage in work or related work activities. She met with her case manager to see the public health nurse. Per the public health nurse's assessment, Rene will need to take her child to medical appointments, and care for their needs for the next 12 months. Rene and her case manager agree her IRP should reflect that she is exempt from participation, per the public health nurse's assessment, so she can be available to care for her child with special needs for the next 12 months (ZC component).

*See WFHB 6.4 – Children: Special Needs* for details on how to support families who need referrals to the public health nurse or, if there isn't a public health nurse in their area, support to find resources.

Documentation to support an exemption may come from a variety of sources based on the participant's situation. Medical documentation **must** be adequate to identify the severity and duration of the disability. Exemptions can't be approved without the appropriate documentation, see WFHB 6.6. If there are questions about the medical evidence, seek support from case managers or Social Service Specialists to staff the case, reviewing evidence together to support the participant in their goals.

### 6.8.9 Can exempt participants have mandatory participation requirements?

If the participant is Exempt participants may have mandatory participation requirements when they have due to a severe and chronic disability, they may be required to participate in limited activities per WAC 388-310-0350 (4). This is limited to activities that support: Deferral activities include

~~xxxx. WorkFirst will provide services or refer these participants to service providers if such treatment is indicated by the comprehensive evaluation or other assessment that will help them:~~

- ~~Pursue~~Pursuit of SSI or another type of federal disability benefit, which may include gathering objective medical evidence as described in [WAC 388-449-0015](#) in preparation of the SSI application process; and/or
- ~~Participation~~one in available treatment that is recommended by the participant's medical or mental health provider or chemical dependency professional.

Individuals who are pregnant or have a child under the age of two, who choose to take the Infant, Toddler, or Post-partum exemptions may be required to participate in mental health or chemical dependency treatment depending on results of their comprehensive evaluation and subsequent Pregnancy to Employment Assessment, WAC 388-310-1450. Please refer to WFHB 5.1 for additional guidance.

## 6.8.10 Can exempt participants voluntarily participate?

Exempt individuals may voluntarily participate. WorkFirst will provide services or refer voluntarily participants ~~singling individuals to other~~ service providers ~~for~~to assistance and support.

What type of activities can- exempt individuals voluntarily participate in?

- [DVR](#)
- [Life Skills](#)
- [Home Visiting or other Parenting Support programs](#)
- [Financial Literacy](#)
- [Volunteering at their child's school](#)

For those who choose to voluntarily participate, do not remove the eJAS exemption codes so you can ensure that sanction will not be imposed for failure to participate.

## 6.8.11 eJAS codes

Use the following eJAS codes ~~on the eJAS component code screen~~ when an individual is approved for an exemption or long-term deferral:

- **ZA** (approved exemption for an older caretaker relative)
- **ZB** (approved exemption for an individual needed in the home to care for a disabled adult relative)
- **ZC** (approved exemption for an individual needed in the home to care for a child with special needs)
- **ZD** (adult with severe and chronic disabilities that are not amenable to treatment)

The codes below may be coupled alongside the ZD exemption component to indicate mandatory participation per WFHB 6.8.9, or may be used to support voluntary activity engagement per WFHB 6.8.10.

- **XB** (pursuing SSI/L&I/VA or other benefits) *- Used to indicate cases being assessed for a facilitated SSI application or accepted for SSI Facilitation.*
- **XD** *(indicates the participant has DVR-required rehabilitation activities and/or time spent with the DVR counselor)* **XE** *(substance abuse treatment)*
- **XG** (mental health condition and required to access available, helpful treatment)
- **XM** *(physical condition and required to access available, helpful treatment)*