



# PROPOSED RULE MAKING

## CR-102 (June 2024) (Implements RCW 34.05.320) Do NOT use for expedited rule making

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STATE OF WASHINGTON  
FILED

DATE: July 16, 2024

TIME: 2:59 PM

WSR 24-15-062

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

- Original Notice**
- Supplemental Notice to WSR** \_\_\_\_\_
- Continuance of WSR** \_\_\_\_\_

- Preproposal Statement of Inquiry was filed as WSR 24-09-048 ; or**
- Expedited Rule Making--Proposed notice was filed as WSR \_\_\_\_\_; or**
- Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1); or**
- Proposal is exempt under RCW \_\_\_\_\_.**

**Title of rule and other identifying information:** (describe subject) The Department is proposing to amend WAC 388-310-0800, "WorkFirst – Support services."

**Hearing location(s):**

Date:	Time:	Location: (be specific)	Comment:
August 27, 2024	10:00 am	Virtually via Teams or Call in	Hearings are held virtually, see the DSHS website <a href="https://www.dshs.wa.gov/sesa/rpau/proposed-rules-and-public-hearings">https://www.dshs.wa.gov/sesa/rpau/proposed-rules-and-public-hearings</a> for the most current information.

**Date of intended adoption:** No earlier than August 28, 2024 (Note: This is **NOT** the **effective** date)

**Submit written comments to:**

Name DSHS Rules Coordinator  
 Address PO Box 45850, Olympia WA 98504  
 Email [DSHSRPAURulesCoordinator@dshs.wa.gov](mailto:DSHSRPAURulesCoordinator@dshs.wa.gov)  
 Fax 360-664-6185  
 Other  
 Beginning (date and time) noon on July 24, 2024  
 By (date and time) 5:00 p.m. on August 27, 2024

**Assistance for persons with disabilities:**

Contact Shelley Tencza, DSHS Rules Consultant  
 Phone 360-664-6036  
 Fax 360-664-6185  
 TTY 711 Relay Service  
 Email [Tencza@dshs.wa.gov](mailto:Tencza@dshs.wa.gov)  
 Other  
 By (date) 5:00 p.m. on August 13, 2024

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:** These amendments expand access to support services to assist housing and utility needs for WorkFirst families. Funding for this purpose is supported within the Operating Budget and WorkFirst Spending Plan for SFY 2025. Additionally, these amendments increase support service flexibility by removing particular restrictions.

Related emergency rules are currently in place, effective July 1, 2024, under WSR 24-14-046.

**Reasons supporting proposal:** See above.

**Statutory authority for adoption:** RCW 74.04.050, 74.04.055, 74.04.057, 74.04.500, 74.04.510, 74.08.090, 74.08A.120 and 74.08A.250.

**Statute being implemented:** \_\_\_\_\_

**Is rule necessary because of a:**

- Federal Law?  Yes  No
- Federal Court Decision?  Yes  No
- State Court Decision?  Yes  No

If yes, CITATION:

**Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:** None

**Name of proponent:** (person or organization) Department of Social and Health Services

**Type of proponent:**  Private.  Public.  Governmental.

**Name of agency personnel responsible for:**

	Name	Office Location	Phone
Drafting	Gary Fryer	PO Box 45470, Olympia, WA 98504-5470	253-720-5306
Implementation	Gary Fryer	PO Box 45470, Olympia, WA 98504-5470	253-720-5306
Enforcement	Gary Fryer	PO Box 45470, Olympia, WA 98504-5470	253-720-5306

**Is a school district fiscal impact statement required under [RCW 28A.305.135](#)?**  Yes  No

If yes, insert statement here:

The public may obtain a copy of the school district fiscal impact statement by contacting:

- Name
- Address
- Phone
- Fax
- TTY
- Email
- Other

**Is a cost-benefit analysis required under [RCW 34.05.328](#)?**

Yes: A preliminary cost-benefit analysis may be obtained by contacting:

- Name
- Address
- Phone
- Fax
- TTY
- Email
- Other

No: Please explain: These rules are exempt as allowed under RCW 34.05.328(5)(b)(vii) which states in part, "this section does not apply to rules of the department of social and health services relating only to client medical or financial eligibility and rules concerning liability for care of dependents."

**Regulatory Fairness Act and Small Business Economic Impact Statement**

Note: The [Governor's Office for Regulatory Innovation and Assistance \(ORIA\)](#) provides support in completing this part.

**(1) Identification of exemptions:**

This rule proposal, or portions of the proposal, **may be exempt** from requirements of the Regulatory Fairness Act (see [chapter 19.85 RCW](#)). For additional information on exemptions, consult the [exemption guide published by ORIA](#). Please check the box for any applicable exemption(s):

This rule proposal, or portions of the proposal, is exempt under [RCW 19.85.061](#) because this rule making is being adopted solely to conform and/or comply with federal statute or regulations. Please cite the specific federal statute or regulation this rule is being adopted to conform or comply with, and describe the consequences to the state if the rule is not adopted.

Citation and description:

This rule proposal, or portions of the proposal, is exempt because the agency has completed the pilot rule process defined by [RCW 34.05.313](#) before filing the notice of this proposed rule.

This rule proposal, or portions of the proposal, is exempt under the provisions of [RCW 15.65.570](#)(2) because it was adopted by a referendum.

This rule proposal, or portions of the proposal, is exempt under [RCW 19.85.025](#)(3). Check all that apply:

- |   |  |
|---|--|
| <input type="checkbox"/> <a href="#">RCW 34.05.310</a> (4)(b)<br>(Internal government operations) | <input type="checkbox"/> <a href="#">RCW 34.05.310</a> (4)(e)<br>(Dictated by statute)   |
| <input type="checkbox"/> <a href="#">RCW 34.05.310</a> (4)(c)<br>(Incorporation by reference)     | <input type="checkbox"/> <a href="#">RCW 34.05.310</a> (4)(f)<br>(Set or adjust fees)  |
| <input type="checkbox"/> <a href="#">RCW 34.05.310</a> (4)(d)<br>(Correct or clarify language)    | <input type="checkbox"/> <a href="#">RCW 34.05.310</a> (4)(g)<br>((i) Relating to agency hearings; or (ii) process requirements for applying to an agency for a license or permit) |

This rule proposal, or portions of the proposal, is exempt under [RCW 19.85.025](#)(4). (Does not affect small businesses).

This rule proposal, or portions of the proposal, is exempt under RCW 34.05.328(5)(b)(vii)..

Explanation of how the above exemption(s) applies to the proposed rule: These amendments do not impact small businesses. They only impact DSHS customers.

**(2) Scope of exemptions:** *Check one.*

- The rule proposal: Is fully exempt. (*Skip section 3.*) Exemptions identified above apply to all portions of the rule proposal.
- The rule proposal: Is partially exempt. (*Complete section 3.*) The exemptions identified above apply to portions of the rule proposal, but less than the entire rule proposal. Provide details here (consider using [this template from ORIA](#)):
- The rule proposal: Is not exempt. (*Complete section 3.*) No exemptions were identified above.

**(3) Small business economic impact statement:** *Complete this section if any portion is not exempt.*

If any portion of the proposed rule is **not exempt**, does it impose more-than-minor costs (as defined by RCW 19.85.020(2)) on businesses?

- No Briefly summarize the agency's minor cost analysis and how the agency determined the proposed rule did not impose more-than-minor costs. \_\_\_\_\_
- Yes Calculations show the rule proposal likely imposes more-than-minor cost to businesses and a small business economic impact statement is required. Insert the required small business economic impact statement here:

The public may obtain a copy of the small business economic impact statement or the detailed cost calculations by contacting:

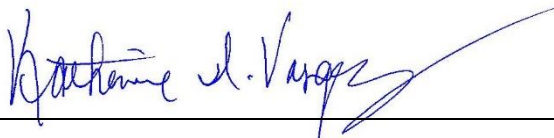
Name  
Address  
Phone  
Fax  
TTY  
Email  
Other

**Date:** July 12, 2024

**Name:** Katherine I. Vasquez

**Title:** DSHS Rules Coordinator

**Signature:**



**WAC 388-310-0800 WorkFirst—Support services. (1) Who can get support services?**

People who can get support services include:

- (a) WorkFirst participants who receive a TANF cash grant;
- (b) Sanctioned WorkFirst participants during the required participation before the sanction is lifted or applicants who were terminated while in noncompliance sanction who are doing activities required to reopen cash assistance (WAC 388-310-1600);
- (c) TANF/SFA applicants as needed to meet the WorkFirst orientation requirements under WAC 388-400-0005(2) or 388-400-0010(3);
- (d) Unmarried or pregnant minors who are income eligible to receive TANF and are:
  - (i) Living in a department approved living arrangement (WAC 388-486-0005) and are meeting the school requirements (WAC 388-486-0010); or
  - (ii) Are actively working with a social worker and need support services to remove the barriers that are preventing them from living in a department approved living arrangement or meeting the school requirements.

(e) American Indians who receive a TANF cash grant and have identified specific needs due to location or employment.

(f) Former WorkFirst participants who are working at least 15 hours per week or more, for up to three months after leaving TANF if they need employment-related transportation support services to meet a temporary need or emergency.

**(2) Why do I receive support services?**

Although not an entitlement, you may receive support services for the following reasons:

- (a) To help you participate in work and WorkFirst activities that lead to independence.
- (b) To help you to participate in job search, accept a job, keep working, advance in your job, or increase your wages.
- (c) You can also get help in paying your child care expenses through the working connections child care assistance program. (Chapter 110-15 WAC describes the rules for this child care assistance program.)

**(3) What type of support services may I receive and what limits apply?**

There is a limit of \$5,000 per person per program year (July 1st to June 30th) for WorkFirst support services you may receive.

The chart below shows the potential types of support services that are available (~~for the different activities (as indicated by an "x") and the restrictions that apply.~~

~~Definitions:~~

- ~~• Work-related activities include looking for work or participating in workplace activities, such as community jobs or a work experience position.~~
- ~~•• Safety-related activities include meeting significant or emergency family safety needs, such as dealing with family violence.~~
- ~~••• Some support services are available if you need them for other required activities in your IRP).~~

Type of Support Service	Restrictions	((• Work )	((•• Safety))	((••• Other) )
Reasonable accommodation for employment		((x		
Clothing/uniforms		((x		
Diapers		((x	x	x))
Haircut		((x		
((Lunch	Same rate as established by OFM for state employees	x))		
Personal hygiene		((x	x	x))
Professional, trade, association, union, and bonds		((x		x))
Relocation related to employment or safety (can include rent, housing, and deposits)		((x	x))	
Short-term lodging and meals in connection with job interviews/tests	Same rate as established by OFM for state employees	((x		
Tools/equipment		((x	x	x))
Car repair needed to restore car to operable condition		((x	x	x))
License/fees		((x	x	x))
Mileage reimbursement	Same rate as established by OFM for state employees	((x	x	x))
Transportation allotment, including fuel support		((x	x	x))
Counseling		((x	x	x))
Educational expenses		((x	x	x))
Medical exams (not covered by medicaid)		((x	x	x))
Public transportation		((x	x	x))
Testing-diagnostic		((x	x	x))
Housing and utilities	Funding allocated for ((07/01/2022)) 07/01/2024 - ((06/30/2023)) 06/30/2025 only	((x	x	x))

(4) **What are the other requirements to receive support services?**

Other restrictions on receiving support services are determined by the department or its agents. They will consider whether:

- (a) It is within available funds; and
- (b) It does not assist, promote, or deter religious activity; and
- (c) There is no other way to meet the cost.

(5) **What happens to my support services if I do not participate as required?**

The department will give you 10 days notice, following the rules in WAC 388-310-1600, then discontinue your support services until you participate as required.