



## Parents Organizing for Welfare and Economic Rights

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### When You Have Income

POWER members want you to know your rights. We copied these WACs (Washington Administrative Code) from the internet. You can find a complete list at the Washington State Legislative site at the laws and agency rules link. All WACs guiding DSHS (the Department of Social and Health Services) start with 388. You can also find other handy information there, like who are your elected officials and how you can contact them. Let them know if your caseworker is not following the rules or if there are changes you would like to see at DSHS.

One problem we see time and time again is the way DSHS budgets your income, looking at what you expect to get and then terminating your benefits sometimes long before you ever see your first paycheck. It's as if you are being penalized for following the rules and finding a job. If you look at the rules below, it appears that the caseworker is following the rules, until you look at 1.e. If you can't use the income to meet your current needs, like rent at the first of the month, your benefits should not be terminated until you can. If this happens to you, ask for a fair hearing within 10 days. That should provide you with continued benefits to meet your current needs and that is the argument you make in the unlikely event that you will have to go to hearing. In most cases, DSHS will drop the hearing.

Also, you can receive money and support services after your TANF ends due to income, so ask for these services if they are not offered.

#### **Contact POWER with any questions or to get involved!**

#### **WAC 388-450-0005 How does the department decide if I own a type of income and if this income is available to meet my needs?**

This section applies to cash assistance, medical programs for children, pregnant women and families, and food assistance.

(1) We count all available income owned or held by people in your assistance unit under chapter 388-408 WAC to decide if you are eligible for benefits and calculate your monthly benefits when:

(a) You get or expect to get the income in the month.

(b) We must count the income based on rules under chapter 388-450 WAC.

(c) You own the income. We use state and federal laws about who owns property to decide if you actually own the income. If you are married, we decide if income is separate or community income according to chapter 26.16 RCW.

(d) You have control over the income, which means the income is actually available to you. If you have a representative payee, protective payee, or other person who manages your income for you as described in chapter 388-460 WAC, we consider this as you having control over this income.

(e) You can use the income to meet your current needs. We count the gross amount of available income in the month your assistance unit gets it. If you normally get the income:

(i) On a specific day, we count it as available on that date.

(ii) Monthly or twice monthly and your pay date changes due to a reason beyond your control, such as a weekend or holiday, we count it in the month you would normally get it.

(iii) Weekly or every-other week and your pay date changes due to a reason beyond your control, we count it in the month you would normally get it.

(2) If income is legally yours, we consider the income as available to you even if it is paid to someone else for you. For example, the father of your child has a court order to pay you two hundred fifty dollars per month in child support. Instead of giving the money directly to you (as required in the court order), he gives the money to your landlord to pay part of your rent. We still count the two hundred fifty dollars as income even though you never actually got the money.

(3) We may also count the income of certain people who live in your home, even if they are not getting or applying for benefits. Their income counts as part of your income.

(a) For cash assistance, we count the income of ineligible, disqualified, or financially responsible people as defined in WAC 388-450-0100.

(b) For food assistance, we count the income of ineligible assistance unit members as defined in WAC 388-408-0035.

(c) For family and SSI-related medical assistance, we count the income of financially responsible people as defined in WAC 388-408-0055 and chapter 388-475 WAC.

(d) For long-term care services, we count the income of financially responsible people as defined in WAC 388-506-0620.

(4) If you have a joint bank account with someone who is not in your AU, we count any money deposited into that account as your income unless:

(a) You can show that all or part of the funds belong **only** to the other account holder and are held or used **only** for the benefit of that holder; or

(b) Social Security Administration (SSA) used that money to determine the other account holder's eligibility for SSI benefits.

(5) Potential income is income you may be able to get that can be used to lower your need for assistance. If we determine that you have a potential source of income, you must make a reasonable effort to make the income available in order to get cash or medical assistance.

(a) We do not count that income until you actually get it; and

(b) You can choose whether to get TANF/SFA or Supplemental Security Income (SSI) benefits.

(6) If your assistance unit includes a sponsored immigrant, we consider the income of the immigrant's sponsor as available to the immigrant under the rules of this chapter. We use this income when deciding if your assistance unit is eligible for benefits and to calculate your monthly benefits.

(7) For SSI-related medical:

(a) We consider income to be owned by someone and available to the person when the person:

(i) Gets the income; and

(ii) Can use the income to meet their needs for food, clothing and shelter, except as provided in WAC 388-511-1130.

(b) Loans and getting cash in certain other ways are not defined as income for SSI-related medical purposes as described in 20 C.F.R. Sec. 416.1103.

(8) For medical programs, see WAC 388-561-0100 for more information about trusts.

(9) You may give us proof about a type of income at anytime, including when we ask for it or if you disagree with a decision we made, about:

(a) Who owns the income;

(b) Who has legal control of the income;

(c) The amount of the income; or

(d) If the income is available.

### **YOU CAN RECEIVE EXTRA MONEY AFTER YOUR TANF ENDS DUE TO WAGES!**

#### **WorkFirst career services program. WAC 388-310-2100**

##### **(1) What is the WorkFirst career services program?**

The WorkFirst career services program is available to employed adults who leave temporary assistance for needy families (TANF) or state family assistance (SFA) and are working thirty hours or more per week. The employment security department administers the program.

WorkFirst career services provide up to six months of:

- Basic needs payments;
- Wage progression services; and
- Job retention services.

##### **(2) Who is eligible for the WorkFirst career services program?**

(a) To qualify for the program, you must enroll with the employment security department within the first two months after your TANF/SFA ends.

(b) You must also meet the following conditions:

(i) You are working thirty hours or more per week in a paid unsubsidized job; and

(ii) You are a custodial parent or caretaker relative who received TANF/SFA within the past two months; and

(iii) You did not leave TANF/SFA in sanction status.

(c) Each adult in your family who meets these conditions and enrolls in the program will receive their own basic needs payments and services.

**(3) What services and basic needs payments are available while I am enrolled in the WorkFirst career services program?**

The WorkFirst career services program provides wage progression services, job retention services and basic needs payments.

(a) Services include employment planning that will help you keep your job and increase your wages.

(b) As shown in the chart below, cash payments and bonuses are made monthly, for up to six consecutive months after leaving TANF/SFA.

(c) You may receive up to six hundred fifty dollars in cash payments and bonuses over the six-month period following your TANF/SFA case closing.

Eligible Month	Payments & Bonus Amounts	Description of Payments and Bonuses
Month 1-6 After TANF/SFA	\$50.00 a month	Monthly payments begin once you enroll.  If you enroll during Month 2, then you are not eligible for the Month 1 payment.
Month 1 or 2	\$150.00	One-time enrollment bonus when you sign up for the program.
Month 4 and 6	\$100.00 month 4 \$100.00 month 6	Bonus for completing the WorkFirst career services assessment and employment planning interview.

**(4) How long can I receive WorkFirst career services and basic needs payments?**

(a) WorkFirst career services and basic needs payments are available for a maximum of six consecutive months. Month one begins the calendar month after your TANF/SFA assistance ends.

(b) Your WorkFirst career services and basic needs payments will stop when:

(i) We learn you are no longer working thirty hours a week in unsubsidized employment; or

(ii) You begin receiving TANF/SFA assistance again; or

- (iii) We do not have your current mailing address; or
- (iv) You are not living in Washington; or
- (v) It has been more than six months since you stopped receiving TANF/SFA.

**(5) What happens if the employment security department learns I am no longer working thirty hours or more per week?**

(a) The employment security department will provide you with a letter giving you at least ten days advance notice that your WorkFirst career services will close. This means that your WorkFirst career services basic needs payments will stop at the end of the month in which your ten days notice expires. The letter will tell you how to request an administrative hearing if you disagree with the decision.

(b) If you find a new job or increase your hours back up to thirty hours before the end of the month, you will remain eligible.

(c) Employment security staff can help you find new employment or work with you to increase your hours of employment.

**(6) What happens if I am approved for TANF/SFA assistance while I am receiving WorkFirst career services?**

If you start receiving TANF/SFA assistance, the employment security department will provide you with a letter and close your WorkFirst career services case at the end of the month. The letter will tell you how to request an administrative hearing if you disagree with the decision.

**(7) What happens if I request an administrative hearing?**

(a) You have the right to request an administrative hearing if you disagree with a decision or action regarding the WorkFirst career services Program. For more information, see chapter 388-02 WAC and RCW 74.08.080.

(b) If you receive continued benefits, they will still end when you reach your benefit maximum as outlined under (3)(c) regardless of any other pending administrative hearing.

**WorkFirst — Post employment services. WAC 388-310-1800**

**(1) What is the purpose of post employment services?**

Post employment services help low-income parents who are working twenty hours or more a week keep and cope with their current jobs, look for better jobs, gain work skills for a career and become self sufficient.

**(2) How do I obtain post employment services?**

(a) You can obtain post employment services by:

- (i) Asking for a referral from the local community service office;
- (ii) Contacting community or technical colleges; or

(iii) Contacting the employment security department. Employment security department staff may also telephone you if you got a job while you were on TANF or SFA to see if you are interested in receiving these services.

(b) You may qualify for different services (from various state or federal programs) depending on whether you:

- (i) Are a mandatory participant (that is, you currently receive TANF or SFA benefits);
- (ii) Used to receive TANF or SFA benefits; or
- (iii) Have never been on TANF or SFA.

**(3) Who provides post employment services and what kind of services do they provide?**

(a) The employment security department can help you increase your wages, increase your job skills or find a better job by providing you with:

- (i) Employment and career counseling;
- (ii) Labor market information;
- (iii) Job leads for a better job (sometimes called job development);
- (iv) On the job training;
- (v) Help with finding a job that matches your interests, abilities and skills (sometimes called job matching); and
- (vi) Help with finding a new job after job loss (sometimes called reemployment).

(b) Any Washington state technical and community college can approve a skill-training program for you that will help you advance up the career ladder. Their staff will talk to you, help you decide what training would work best for you and then help you get enrolled in these programs. The college may approve the following types of training for you at any certified institution:

- (i) High school/GED,
- (ii) Vocational education training,
- (iii) Job skills training,
- (iv) Adult basic education,
- (v) English as a second language training, or
- (vi) Preemployment training.

**(4) What other services are available while you receive post employment services?**

While you receive post employment services, you may qualify for:

(a) Working connections childcare if you meet the criteria for this program (described in chapter [388-290 WAC](#)).

(b) Other support services, such as help in paying for transportation or work expenses.

(c) Other types of assistance for low-income families such as food stamps, medical assistance or help with getting child support that is due to you and your children.

**(5) Who is eligible for post employment service, support services and childcare?**

You may qualify for post employment services, support services and child care if you are working twenty hours or more a week, and:

(a) You are current TANF or SFA recipient. You qualify for:

(i) All types of post employment services, unless you are in sanction status;

(ii) Tuition assistance from the community and technical college system;

(iii) WorkFirst support services; and

(iv) Working connections childcare.

(b) You are a former TANF or SFA recipient. You qualify for:

(i) Employment retention services (help with keeping a job) for up to twelve months after exiting TANF or SFA.

(ii) Wage and skill progression services (help with finding a better job and/or obtaining better wages) for up to twelve months after exiting TANF or SFA.

(iii) Tuition assistance or preemployment training from the community and technical college system;

(iv) Working connections childcare assistance; and/or

(v) WorkFirst support services for up to six months after exiting TANF or SFA.

(c) You are a low wage earner (that is, your family income does not exceed one hundred seventy-five percent of the federal poverty level) who has never received TANF or SFA benefits, and are in a community or technical college-approved skill training program. You may qualify for:

(i) Tuition assistance or preemployment training from the community and technical college system; or

(ii) Working connections child care while you are in training or school for up to a total of thirty six months.

**(6) What if I lose my job while I am receiving post employment services?**

If you now receive or used to receive TANF or SFA, help is available to you for up to four weeks so that you can find another job and continue in your approved post employment.

Reasonable accommodation for employment	\$1,000 for each request	x		
Clothing/uniforms	\$75 per adult per program year	x		
Diapers	\$50 per child per month	x		
Haircut	\$40 per each request	x		
Lunch	Same rate as established by OFM for state employees	x		
Personal hygiene	\$50 per adult per program year	x		
Professional, trade, association, union and bonds	\$300 for each fee	x		
Relocation related to employment (can include rent, housing, and deposits)	\$1,000 per program year	x		
Short-term lodging and meals in connection with job interviews/tests	Same rate as established by OFM for state employees	x		
Tools/equipment	\$500 per program year	x		
Car repair needed to restore car to operable condition	\$250 per program year	x	x	
License/fees	\$130 per program year	x	x	
Mileage, transportation, and/or public transportation	Same rate as established by OFM for state employees	x	x	
Transportation allotment	Up to:	x	x	
	\$25 for immediate need, or			
	\$40 twice a month if you live within 40 miles of your local WorkFirst office, or			
	\$60 twice a month if you live more than 40 miles from your local WorkFirst office.			
Counseling	No limit	x	x	x
Educational expenses	\$300 for each request if it is an approved activity in your IRP and you do not qualify for sufficient student financial aid to meet the cost	x		x
Medical exams (not covered by Medicaid)	\$150 per exam	x	x	x
Public transportation	\$150 per month	x	x	x
Testing-diagnostic	\$200 each	x	x	x