

# **Guide to WorkFirst**

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If you want to get TANF, you'll probably have to take part in the WorkFirst program by looking for work and then keeping a job, or taking part in another permitted activity. Find out how DSHS can help you get and keep a job and what happens if DSHS thinks you haven't properly followed the WorkFirst program's rules.

## **1. Definitions**

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### **What is WorkFirst?**

Most families who get Temporary Assistance to Needy Families (TANF) must also participate in WorkFirst to keep getting TANF. This means that you to take part in a job search or complete other activities that they determine will assist you in finding employment (such as job training or treatment for substance abuse). It also means that you must take any job you're offered that meets DSHS' standards.

As part of your job search, you must work with a WorkFirst case manager to make a written Individual Responsibility Plan (IRP).

### **What is an Individual Responsibility Plan (IRP)?**

You and your DSHS case manager will write a list of things to do to get a job in the shortest time possible, called an Individual Responsibility Plan (IRP). Your IRP should also list services DSHS will provide to help you get a job.

If you disagree with your proposed IRP, don't sign it. To avoid being sanctioned for refusing to sign it, you should also ask right away for an administrative hearing about your IRP and try to get legal help.

## ()What if I have a disability?

If your disability makes it hard for you to work or look for work, tell your DSHS case manager right away. You'll need to ask your medical provider to address your ability to work.

If you need special help to be able to take part, ask for it.

## What is a sanction?

A sanction is a penalty that lowers the amount of TANF you get. DSHS can sanction you, or stop your TANF altogether, if it decides you didn't do everything in your Individual Responsibility Plan (IRP) or meet other WorkFirst requirements without a good reason.

DSHS can also reduce how much you get in food assistance under that program's rules. Your medical assistance won't change if DSHS sanctions you or stops your TANF.

## 2. Exceptions

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You don't have to take part in WorkFirst if any of these is true:

- You have a child who is under 2 years old (<https://app.leg.wa.gov/WAC/default.aspx?cite=388-310-0300>).
- You're 55 or older and caring for a relative's child (<https://app.leg.wa.gov/WAC/default.aspx?cite=388-310-0350>).
- You must be at home to care for (<https://app.leg.wa.gov/WAC/default.aspx?cite=388-310-0350>) a child or other relative with disabilities.
- Your situation keeps you from searching for a job or working (<https://app.leg.wa.gov/WAC/default.aspx?cite=388-310-0400>). For example, you're experiencing health problems, homelessness, or domestic violence

that keeps you from working, or you have a severe and chronic disability (<https://app.leg.wa.gov/WAC/default.aspx?cite=388-310-0350>).

- You already work 32 hours or more a week (35 hours or more for 2-parent households (<https://app.leg.wa.gov/WAC/default.aspx?cite=388-310-0400>)).
- You do work-study 16 hours a week and (<https://app.leg.wa.gov/WAC/default.aspx?cite=388-310-0400>) go to community or technical college at least half-time.
- You're under age 18 and (<https://app.leg.wa.gov/WAC/default.aspx?cite=388-310-0400>) still in school full-time.
- You're under age 20 and still in high school (or equivalent) full-time.

**If you're pregnant**, you'll take part in "Pregnancy to Employment (<https://www.dshs.wa.gov/sites/default/files/publications/documents/22-1262.pdf>).\" This program provides parenting skills training, mental health treatment, substance use disorder treatment, domestic violence services, and job services. You can get these services throughout your pregnancy to help you look for work while meeting your child's needs. During your 3<sup>rd</sup> trimester, you don't have to take part in work activity. But you must be in mental health or substance use disorder treatment if your DSHS case manager says you need it.

### 3. Work search

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You can only accept a job if all these are true:

- The job pays at least minimum wage (<https://www.lni.wa.gov/workers-rights/wages/minimum-wage/>).
- The job has industrial insurance (<https://www.lni.wa.gov/insurance/>) and health and safety standards (<https://www.lni.wa.gov/forms-publications/f416-132-000.pdf>).
- It pays unemployment benefits (<https://esd.wa.gov/get-financial-help/unemployment-benefits>).
- It gives the same benefits to TANF workers and other employees.

**If you can't find a job** that meets all these requirements, you and your DSHS worker will try to figure out why you didn't find a job. You both will also consider

experiences, activities, and services to add to your IRP to help you. You and your worker will make and sign the new IRP.

## 4. WorkFirst support

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You can get **training** as part of your IRP if your WorkFirst evaluation shows you need it to get a new job. You might get approval for training for up to 24 months, depending on your situation.

You may be able to get help with **childcare** while you're participating in WorkFirst.. Ask your case manager for help applying for the Working Connections Child Care (WCCC) program, or call the Child Care Subsidy Contact Center (<https://www.dcyf.wa.gov/services/earlylearning-childcare/getting-help/wccc>) at 1-844-626-8687, or apply online at WashingtonConnection.org (<https://www.washingtonconnection.org/home/>).

If you're 16 or 17 years old, you can probably get **basic education** (a high school degree or equivalent) through WorkFirst. You may also be able to get this if you need it to get a job. Ask your case manager.

## 5. Problems

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If circumstances beyond your control keep you from doing a WorkFirst activity, call your DSHS worker right away at the number listed on your IRP to explain your situation. If you don't get your worker, leave a detailed voicemail. Ask the worker to put a note in your file. Keep a note in your own records explaining why you couldn't go to the WorkFirst activity on that date and what you did to tell DSHS why you couldn't go.

If you don't participate in WorkFirst at all, after 2 months of not doing WorkFirst, DSHS will lower the amount of TANF you get by 40%. You can avoid this reduction if you can prove that you have good reason for not participating.

DSHS can also sanction you if you don't do an activity listed in your IRP, or if DSHS decides you "failed or refused" without "good reason" to do something else you were supposed to do. For example, you might not have given your DSHS worker information they need to make or update your IRP. Maybe you didn't go to appointments listed in your IRP. You might not have shown you're doing your best to do everything in your IRP. Or you didn't take a job that meets DSHS' standards.

You and your DSHS worker might disagree about a WorkFirst requirement. For example, you might believe you should have gotten an exemption from work activity, or your case manager wouldn't include something in your IRP that you asked for. Anytime DSHS makes a verbal or written decision that affects your TANF or related benefits, you can ask for an administrative hearing on that decision. You should also get legal help right away.

## 6. Sanction procedure

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If you don't speak English well or at all, there must be a signed copy of your IRP in your primary language in your DSHS file. If there isn't, DSHS must cancel the sanction.

Before DSHS can sanction you, the agency must first send you a letter stating how you didn't follow your IRP and give you **10 days** to contact them to explain what happened. The letter will also say that DSHS will schedule a **"case staffing"** meeting with you.

The case staffing meeting is your chance to explain your good reason for not doing what DSHS thought you should do. You can invite someone to come with you to the meeting. Your case manager will be there, and other people involved with your DSHS case. If you don't reply to DSHS' letter within **10 days**, and don't attend the case staffing, you won't be able to give DSHS your side of the story before they decide whether to sanction you.

After the case staffing, DSHS should make sure it has screened you for family violence and other barriers to you taking part. DSHS will then decide if you had good reason for not following your IRP.

- If DSHS decides you had a good reason for not following the IRP, DSHS won't sanction you.
- If DSHS decides you didn't have a good reason, they will sanction you.

DSHS should mail you a notice at least **10 days** before they sanction you. The notice must be in your primary language and say all of these:

- When DSHS plans to lower your TANF
- How much DSHS plans to lower your TANF
- What you were supposed to do but didn't do
- How you can end the sanction
- The rule that lets DSHS sanction you
- How to ask for a hearing to appeal the sanction

## 7. Losing TANF

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After you don't meet your IRP or WorkFirst requirements for 2 months, DSHS will lower your grant by one person's share or 40%, whichever is more. After 10 months in a row in sanction, DSHS will stop (will end) your TANF.

DSHS should let you fix the sanction before you reach the 10-month mark. To do this, **you must follow your IRP for 4 weeks in a row (28 calendar days)**. Then DSHS will lift the sanction and your TANF will return to the normal amount, starting the month following your 4 weeks of following your IRP.

If the sanction is for not giving DSHS information needed to develop your IRP, DSHS should lift the sanction as soon as you do give them the information.

To end your TANF altogether, DSHS must first send you a notice in your primary language that says all these things:

- What you failed to do
- The date that DSHS will end your TANF
- How to ask for an administrative hearing
- How to end your penalties and keep your case open

## 8. Appeals

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**Anytime DSHS makes a verbal or written decision that affects your TANF or related benefits, you can ask for an administrative hearing on that decision.**

You can ask for a hearing if DSHS imposes WorkFirst requirements you disagree with, sanctions you, or closes your TANF case. After you ask for a hearing, try to get legal help.

If DSHS tells you they're going to end your TANF, ask right away for an administrative hearing and continuing benefits. If you wait until after DSHS has closed your case, you probably won't get continuing benefits.

Depending on your situation, here are some arguments you can make at an administrative hearing:

- You can try to prove that you've done what WorkFirst requires but the DSHS worker didn't have all the facts or apply the rules correctly.
- DSHS didn't give you 10 days' written notice to contact them to explain what happened before sanctioning you or closing your case.
- The notice DSHS sent you before reducing or ending your TANF didn't give enough information. For example, the notice didn't say what rule you broke.
- There's something wrong with the IRP. For example, it was never finished and signed, or DSHS didn't give it to you to read, or it wasn't in your primary language.
- You can try to prove you had "good reason" – events not in your control – for not following your IRP.

()Here are some examples of good reasons for not following an IRP. This isn't a complete list:

- Your medical provider writes a statement that a serious physical, mental, or emotional condition kept you from following your IRP.
- Someone threatened you with, or subjected you to, family violence.
- DSHS didn't send you a notice telling you what information they needed or about the appointment you missed.
- You couldn't find affordable, appropriate childcare for your child under age 13 within a reasonable distance.
- Your transportation or childcare arrangements broke down and you couldn't make new ones in time.

- You couldn't find other care for a person age 13 or older who lives in your home who can't care for themselves.
- You had an immediate legal problem, such as an eviction notice.
- You are or should have been designated a person getting Equal Access (formerly "NSA) services. DSHS failed to make this designation or failed to make or follow an accommodation plan.

If you can't prove that the sanction is wrong, and the sanction is for not following your IRP, you must cure the sanction.

## 9. Reapply

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If DSHS closed your case due to sanction, and you want to reapply, you must take part in work activity for 4 weeks in a row, or provide DSHS with the information they requested, before you can get TANF again. Then your TANF will start back up.

If your case closed for another reason while you were in sanction status and is reopened, you'll reopen at your reduced grant level. For example, if your case closed while you were in month 4 of your reduction sanction, your grant will be opened in month 5 of grant reduction sanction status.

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