

APR 16 1999

970032, 970063, and 970164

SUBJECT: FSP - Washington - Request to Waive Section 6(o) of the Food Stamp Act, as Amended by Section 824 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996

TO: Michael L. Denton, Acting Regional Director
Food Stamp Program
Western Region

This is in response to Dennis Stewart's memorandum of March 12, 1999, forwarding the Washington State Agency's request to modify and extend the subject waivers of Section 6(o) of the Food Stamp Act, as amended by Section 824 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. This section limits the receipt of food stamp benefits to 3 months within a 3-year period for able-bodied adults who are not working (or participating in a work program) 20 hours or more each week or participating in workfare.

Our response approving the State agency's request is attached. If you have any questions, please contact Larry Tropp of my staff at 703-305-2437.

Arthur T. Foley

Arthur T. Foley
Director
Program Development Division

Attachment

cc: SAB-PAD, John Knaus, Maurice Tracy, Bob Dalrymple - OAE
Mike Depiro - OAE, Civil Rights, Retha Oliver, David Super (CBPP), All Regions
(except WRO)

FCS:FSP:PDD:CPB:LTropp:DRAFT:final:4/15/99:va

DIR: I:CPB:970032 memo - 1999 extension.

Symbol	Surname	Date	Symbol	Surname	Date
Pb17		4/15/99			
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Waiver Response

1. **Waiver serial number:** 970032, 970063, and 970164
2. **Type of request:** Modification and Extension
3. **Primary regulation citation:** Section 6(o) of the Food Stamp Act, as amended by Section 824 of the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) of 1996, P. L. 104-193.
4. **Secondary regulation citation:**
5. **State:** Washington
6. **Region:** WRO
7. **Regulatory Requirements:** Section 6(o) of the Food Stamp Act, as amended by Section 824 of the PRWORA, provides that no individual shall be eligible to participate in the Food Stamp Program as a member of any household if, during the preceding 36-month period, the individual received food stamp benefits for not less than 3 months (consecutive or otherwise), during which the individual did not work 20 hours or more per week, averaged monthly; did not participate in and comply with the requirements of a work program for 20 hours or more per week; or did not participate in and comply with requirements of a program under Section 20 or a comparable program established by the State.

Section 6(o) of the Food Stamp Act, as amended by Section 824 of the PRWORA, also provides that, upon the request of a State agency, the Secretary may waive the applicability of the above provision for any group of individuals in the State if the Secretary makes a determination that the area in which the individuals reside has an unemployment rate of over 10 percent, or does not have a sufficient number of jobs to provide employment for the individuals.

8. **Description of proposed alternative procedures:** The Washington State Agency is requesting extension and modification of waiver no. 970032 so that it may exempt individuals residing in seven counties from the work requirement provision of Section 6(o) of the Food Stamp Act, as amended by Section 824 of the PRWORA, based on an unemployment rate over 10 percent in those areas. Extensions for Franklin and Grays Harbor Counties are no longer included in this waiver. Exemptions for those counties have been requested based on their designation as Labor Surplus Areas (LSAs) by the Employment and Training Administration of the Department of Labor. Klickitat and Pend Oreille Counties, which are included in the current request, were not previously exempt from the requirements of Section 6(o).

The State agency is also requesting modification of waiver no. 970063 for individuals residing in 19 counties (including one partial county) and four cities designated as LSAs. Ferry and Stevens Counties, which were not previously exempt, have been designated as LSAs for Fiscal Year 1999 and are included in the current request to extend waiver no. 970063. As indicated above, Franklin and Grays Harbor Counties, which were previously exempt based on unemployment greater than 10 percent are now also included in waiver no. 970063 based on their designation as LSAs. The State agency is also requesting extension and modification of waiver no. 970164 for three counties which were previously exempt based on an unemployment rate greater than 20 percent or more above the national average unemployment rate over the previous two calendar years. The current request for Kitsap County is based on a declining employment to population ratio trend for the county.

9. **Action and reason for approval or denial:** We are approving a modification and extension of waiver no. 970032, based on unemployment rates that exceed 10 percent, and modifications and extensions of waivers no. 970063, and 970164, based on insufficient jobs, as follows.

Since one of the cities designated as an LSA (Walla Walla) is located entirely within a county qualifying for a waiver based on unemployment greater than 20 percent above the national average, we are not listing it separately, but are instead including it as part of the waiver for the entire county. Similarly, we are also treating the request for Benton County as a single request for the entire county based on unemployment greater than 20 percent above the national average rather than as two separate requests, one based on partial county LSA designation (the county less Richland City) and a second for the entire county based on unemployment greater than 20 percent above the national average.

We are not approving the State agency's request to exempt Kitsap County. The State agency's request for the county is based on its declining employment to population ratio. According to the data provided by the State agency, the county's employment to population ratio for individuals 18 and up has declined from 59 percent for 1990 to 53 percent for 1998. In determining whether to approve waivers based on a declining employment to population ratio we consider several factors, including a comparison between the ratio for the area and the national ratio, the area's unemployment rate in comparison with the national rate and the trend of the unemployment rate for the area. While no one criterion is determinative, in and of itself, the criteria evaluated together must indicate insufficient jobs.

Although the data indicate a definite downward trend and the ratio of 53 percent for the most recent year is below the national ratio of 63.9 percent for the same period, it is above 50 percent, one of the criteria we use to determine whether to grant waivers based on a declining employment to population ratio trend. As indicated above, 50 percent is one criterion, not an absolute cutoff point in and of itself. Another factor which we considered was the county's declining unemployment rate, which according to the most recent data from the State website, averaged 5.4 percent for calendar year 1999 to date.

Based on this data we do not feel that a waiver for the county would be justified. However, we would reconsider our decision if the State agency can provide additional data that definitely indicates insufficient jobs for the county. We also wish to emphasize that we are approving a waiver for Bremerton, the largest city in the county, based on its designation as an LSA.

970032 (Unemployment > 10%) <i>expires 3/31/2000</i>	970063 (Insufficient Jobs- LSA Designation) <i>expires 3/31/2000</i>		970164 (Insufficient Jobs- Unemployment > 20 % above the national average) <i>expires 3/3/2000</i>
COUNTIES	COUNTIES		COUNTIES
Adams	Chelan	Pacific	Benton*
Columbia	Clallam	San Juan	Walla Walla**
Klickitat	Cowlitz	Skagit	
Okanogan	Douglas	Stevens	
Pende Oreille	Ferry	Wahkiakum	
Skamania	Franklin	Whatcom	
Yakima	Grant		
	Grays Harbor	CITIES	
	Jefferson	Bremerton	
	Kittitas	Everett	
	Lewis	Lakewood	
	Mason		

*Although Benton County less Richland City is a designated LSA the county is only listed once based on unemployment greater than 20 percent above the national average.

**Although Walla Walla City is a designated LSA it is not listed as such since it is located entirely within Wall Walla County.

10. **Regulatory or legislative basis for action:** These waivers are approved pursuant to Section 6(o) of the Food Stamp Act, as amended by Section 824 of the PRWORA, which allows the Secretary to waive the applicability of the work

requirement provision in Section 6(o) for any group of individuals in the State if the Secretary makes a determination that the area in which the individuals reside has an unemployment rate of over 10 percent or an insufficient number of jobs.

11. Conditions and reasons: NA

12. Information required for extension: Please submit supporting unemployment data that relies on standard BLS data and/or methods and data indicating a lack of sufficient jobs.

13. Expiration date: The waivers are approved for a period of 1 year retroactive to April 1, 1999, and will expire on March 31, 2000.

14. Limitation on regional office approval of like requests: This waiver is limited to the Washington State Agency.

15. Quality Control Procedures: N/A

16. Date of national office action:

17. Date of State agency's request: March 8, 1999.

18. Date of regional office transmittal of response to State agency:

19. Actual implementation date: