

Chapter HSS 207

WORK NOT WELFARE DEMONSTRATION PROJECT

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Note: Chapter HSS 207 was created as an emergency rule effective January 1, 1995.

HSS 207.01 Authority and purpose. This chapter is adopted pursuant to ss. 49.27 (4) (d) 2h. and (g) 2., (5) (c) 10. and (d), (6) (c) and (7) (a) 3. and 49.50 (2), Stats., to provide rules for administration of the work not welfare (WNW) demonstration project under s. 49.27, Stats., for recipients of aid to families with dependent children (AFDC).

History: Cr. Register, September, 1995, No. 477, eff. 10-1-95.

HSS 207.02 Applicability. This chapter applies to any private or public agency that administers a work not welfare (WNW) demonstration project under s. 49.27, Stats., to all county and tribal economic support agencies and to all AFDC recipients required to participate in the WNW demonstration project.

History: Cr. Register, September, 1995, No. 477, eff. 10-1-95.

HSS 207.03 Definitions. In this chapter:

(1) "AFDC" means aid to families with dependent children, a public assistance program under title IV-A of the Social Security Act of 1935, as amended, and ss. 49.19 to 49.41, Stats., and ch. HSS 201.

(2) "Benefit period" means, with respect to a work not welfare group, a period commencing on the work not welfare group's enrollment date and ending 48 months later, except as the benefit period may be extended under s. 49.27 (4) (g), Stats.

(3) "Case management" means the client-centered and goal-oriented process for assessing the needs of a WNW group member and his or her family for employment, training and supportive services and assisting the WNW group member in obtaining the services needed to achieve self-sufficiency.

(4) "Department" means the Wisconsin department of health and social services.

(5) "Economic support agency" means the county department of social services or human services, or a tribal agency which administers economic support programs including WNW.

(6) "Enrollee" means a WNW recipient who has completed an enrollment appointment with the WNW administrative agency.

(7) "Enrollment date" means the first day of the first month for which a work not welfare group receives a benefit payment determined under s. 49.27 (4), Stats., unless the work not welfare group has not received a benefit payment determined under s. 49.27 (4), Stats., within the previous 36 months, in which case the enrollment date means the first day of the first month, after that 36-month period, for which the work not welfare group receives a benefit payment determined under s. 49.27 (4), Stats.

(8) "Food stamp program" or "FS" means the assistance program under 7 USC 2011 to 2029.

(9) "General relief" has the meaning prescribed under s. 49.01(5m), Stats.

(10) "JOBS" means the job opportunities and basic skills training program established under 42 USC 682 and s. 49.193, Stats., and ch. HSS 206 for the purpose of assisting AFDC recipients to develop marketable skills and obtain gainful employment.

(11) "Medical assistance" or "MA" means the assistance program operated by the department under ss. 49.43 to 49.497, Stats., and chs. HSS 101 to 108.

(12) "Participant" means a WNW recipient who has been referred by an economic support agency to a WNW administrative agency, has been enrolled in WNW employment and training activities and is assigned to a WNW employment and training activity.

(13) "Primary person" means the person whose name is listed first on the application form as the person applying for work not welfare under s. 49.27, Stats.

(14) "Relief of needy Indian persons" means the assistance program under s. 49.046, Stats.

(15) "Registrant" means a person registered for JOBS.

(16) "Shelter payment benefit" means a vendor payment issued for rent, mortgage or mobile home loan repayment.

(17) "SSI" means supplemental security income, the assistance program under section 1613 of Title XVI of the Social Security Act of 1935, as amended, and s. 49.177, Stats.

(18) "WNW" means the work not welfare program under s. 49.27, Stats.

(19) "WNW administrative agency" means a public or private organization having a contract with the department to provide WNW services to WNW group members referred to the agency by an economic support agency.

(20) "Work not welfare group" or "WNW group" means all persons in an AFDC case if the head of household is subject, under s. 49.27 (3), Stats., to the work not welfare pilot program under s. 49.27, Stats., and this chapter, including a caretaker of dependent children, regardless of whether the needs of the caretaker are not considered in determining the amount of the benefit determined under s. 49.27 (4) or (11) (a) to (f), Stats.

History: Cr. Register, September, 1995, No. 477, eff. 10-1-95.

HSS 207.04 Department responsibilities. (1) SELECTION OF PILOT COUNTIES. The department shall select the counties to participate in the WNW demonstration project, as provided in s. 49.27 (2), Stats.

(2) CONTRACT WITH A PILOT COUNTY. The department shall enter into a contract with the human services or social services department in each pilot county. The contract shall specify the obligations of the county human services or social services

department in administering the WNW demonstration project in that county and shall require at least the following:

(a) The establishment of a community steering committee under s. HSS 207.05;

(b) The establishment of a children's services network under s. HSS 207.06; and

(c) The provision of case management services under s. HSS 207.15.

(3) PROVISION OF ON-SITE WNW MANAGER. The department shall employ an on-site WNW manager for each pilot county. The state on-site WNW manager shall be responsible for the overall management of the WNW program in the county including overseeing policy development and program implementation, coordinating county and state units, monitoring compliance with the federal waiver terms and conditions, coordinating the case management team functions and serving as a liaison to the community steering committee.

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HSS 207.05 Community steering committee. (1) (a) Each pilot county participating in WNW shall establish a community steering committee. The community steering committee shall consist of at least 12 members but not more than 15 members. The committee shall include representatives of business, government and education. The chairperson of the community steering committee shall be a representative of business interests.

(b) The county executive or county administrator in the pilot county or, if the pilot county has no county executive or county administrator, the chairperson of the board of supervisors shall appoint the chairperson and the other members of the community steering committee in consultation with the department.

(2) The community steering committee shall do all of the following:

(a) Perform the functions of an employment and training council under s. 49.193 (10), Stats., by advising the WNW administrative agency concerning WNW employment and training activities;

(b) Identify job slots and encourage employers to provide permanent jobs for persons who are participating in WNW employment and training activities;

(c) Create and encourage others to create subsidized jobs for persons who are participating in WNW employment and training activities;

(d) Create and encourage others to create on-the-job training sites for persons who are participating in WNW employment and training activities;

(e) Foster and guide the entrepreneurial efforts of persons who are participating in WNW employment and training activities;

(f) Provide mentors, both from its membership and by recruitment from the community, to provide job-related guidance, including assistance in resolving job-related issues and the provision of job leads or references, to persons who are required to participate in WNW employment and training activities; and

(g) Continue to assist the employment efforts of WNW participants during a period of ineligibility and identify available shelter and child care resources.

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HSS 207.06 Children's services network. Each pilot county participating in WNW shall establish a children's services network. The children's services network shall provide information about community resources available to the children in a WNW group during the WNW group's benefit period and the WNW group's period of ineligibility under s. HSS 207.10 (4), including charitable food and clothing centers, the state supplemental food program for women, infants and children under s. 253.06,

Stats., child care programs under s. 46.98, Stats., and medical assistance.

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HSS 207.07 Participation in WNW. A person shall participate in the WNW demonstration project under this chapter if the person:

(1) Resides in a pilot county; is receiving AFDC benefits or is the caretaker of child who is receiving AFDC benefits, except for foster care benefits under s. 49.19 (10), Stats., and AFDC emergency assistance benefits under s. 49.19 (11) (b), Stats., for himself or herself or for a dependent child, on or after January 1, 1995; and has had a regularly scheduled review of eligibility under s. HSS 201.09(3);

(2) Resides in a pilot county and applies for AFDC benefits for himself or herself or for a dependent child, on or after January 1, 1995, except for foster care benefits under s. 49.19 (10), Stats., and AFDC emergency assistance benefits under s. 49.19 (11) (b), Stats.;

(3) Moves to a pilot county on or after January 1, 1995, and, at the time of the move, the person is receiving, or is the caretaker of a child who is receiving, AFDC benefits, except for foster care benefits under s. 49.19 (10), Stats., and AFDC emergency assistance benefits under s. 49.19 (11) (b), Stats.; or

(4) Resides in a non-pilot county and, within the preceding 36 months, the person had resided in a pilot county, was subject to a WNW program under s. 49.27 (3), Stats., and this chapter and received benefits determined under s. 49.27 (4), Stats., and s. HSS 207.10 or 207.21.

History: Cr. Register, September, 1995, No. 477, eff. 10-1-95.

HSS 207.08 Relationship of WNW benefits to other public assistance benefits. (1) ELIGIBILITY FOR AFDC. Except as determined under s. HSS 207.10, 207.19 or 207.23, a member of a WNW group may not receive AFDC, other than AFDC foster care benefits under s. 49.19 (10), Stats., or AFDC emergency assistance benefits under s. 49.19 (11) (b), Stats.

(2) ELIGIBILITY FOR FOOD STAMPS. Except as determined under this section, s. HSS 207.19 or 207.23, a member of a WNW group may not receive food stamp coupons under 7 USC 2011 to 2029 for a month unless one of the following conditions is met:

(a) The WNW group has received the maximum number of benefit payments permitted under s. HSS 207.10 (3) and (5) or 207.21; or

(b) 1. The portion of the benefit amount calculated under s. HSS 207.10 (1) (a) for the WNW group equals \$0 in a month in which the WNW group receives earned income;

2. No sanction under s. HSS 207.18 (3), or s. 49.12, 49.123 (2), 49.127, 49.19 (4) (h) 2., 49.49 or 49.50 (7), Stats., has been applied; and

3. The WNW group chooses to apply for food coupons under 7 USC 2011 to 2029 in lieu of a cash benefit determined under s. HSS 207.10(1).

(3) ELIGIBILITY FOR MEDICAL ASSISTANCE. (a) A member of a WNW group that is receiving WNW benefits is categorically eligible for MA benefits under s. 49.46 (1), Stats. An individual who chooses not to receive WNW benefits may be eligible for MA benefits under s. 49.46, Stats.

(b) If the person is or was a member of a WNW group and if the period of ineligibility under s. HSS 207.10 (4) or (5) has not yet expired, the person is not eligible for MA under s. 49.46 (1) (c), (cg), (co) or (cr), Stats., unless the person was a dependent child as defined under s. HSS 201.14 at the time that he or she was a member of the WNW group.

(4) ELIGIBILITY FOR GENERAL RELIEF BENEFITS. If the person is or was a member of a WNW group other than as a nonlegally responsible relative caretaker of a dependent child, as defined under s. HSS 201.14, or an adult who was a dependent child, as defined

under s. HSS 201.14, at the time that he or she was a member of the WNW group, the person is not eligible for general relief cash benefits determined under s. 49.032, Stats., if the WNW group received benefits determined under s. HSS 207.10 or 207.21 for any of the preceding 36 months.

(5) ELIGIBILITY FOR RELIEF OF NEEDY INDIAN PERSONS. (a) If the person is a member of a WNW group that received benefits determined under s. HSS 207.10 or 207.21 during a month, he or she is not eligible for relief of needy Indian persons during that month.

(b) If the person is or was a member of a WNW group other than as a nonlegally responsible relative caretaker of a dependent child, as defined under s. HSS 201.14, or an adult who was a dependent child, as defined under s. HSS 201.14, at the time that he or she was a member of the WNW group, the person is not eligible for relief of needy Indian persons if the WNW group received benefits determined under s. HSS 207.10 or 207.21 for any of the preceding 36 months.

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HSS 207.09 Eligibility for WNW. (1) APPLICATION FOR WNW BENEFITS. (a) Application for WNW benefits shall be made in the same manner as application for AFDC under ch. HSS 201.

(b) An economic support agency shall determine if an applicant for WNW benefits meets the expedited service eligibility requirements for issuance of food stamp coupons under 7 CFR 273.2 (i). A WNW group eligible for expedited benefits may receive food stamp coupons instead of cashed-out food stamps under s. HSS 207.10 (2) for up to 2 months.

(c) The economic support agency shall provide an orientation to an individual applying for WNW benefits which shall include an explanation of the employment and training requirements and time-limited benefits.

(2) DETERMINATION OF ELIGIBILITY FOR WNW BENEFITS. The economic support agency shall determine eligibility of a WNW group for WNW benefits in the same manner as it determines eligibility for AFDC under ch. HSS 201 except as follows:

(a) Once eligibility for a WNW group is established, the WNW group does not lose continued eligibility solely because one or more wage earners in the WNW group work more than 100 hours in a month; and

(b) Once eligibility for a WNW group is established, the WNW group remains eligible as long as all other eligibility factors are met until the next eligibility review under s. HSS 201.09 (3), unless the benefit determined under s. HSS 207.10 (1) could be adjusted under s. HSS 207.10 (2) prior to the WNW group's next regularly scheduled eligibility review under s. HSS 201.09 (3).

(3) ENROLLMENT INTO THE WNW DEMONSTRATION PROJECT. The economic support agency shall provide a written explanation of WNW benefits and employment and training requirements to each adult WNW group member and require each adult WNW group member to sign a statement in the presence of an economic support agency representative indicating that he or she has received a copy of the written explanation of the WNW benefits and understands the WNW employment and training requirements and time-limited benefits. Failure or refusal to sign the statement shall result in ineligibility of the WNW group for WNW benefits.

(4) REGISTRATION AND REFERRAL FOR WNW EMPLOYMENT AND TRAINING ACTIVITIES. A properly witnessed signature in the same manner as under s. HSS 201.05 (5) on the application for WNW shall constitute WNW employment and training registration for each person included in the WNW group at the time of application or added to the WNW group at a later date. Following the eligibility interview, as prescribed in s. HSS 201.09 (1), the economic support agency shall refer each WNW group member who is 16 years of age and over and who does not meet an exemption reason under s. HSS 207.11 (1) to the WNW administrative agency. Except as provided in s. HSS 207.11 (1), every person in a WNW group who is over 16 years of age shall comply with the WNW

employment and training requirements under s. HSS 207.16 as a condition of receiving a WNW benefit.

(5) VOLUNTARY PARTICIPATION. A WNW administrative agency may allow, to the extent that funding permits, a WNW group member who is exempt under s. HSS 207.11 (1) from the requirement to participate in WNW to volunteer for WNW employment and training activities or a WNW group member who is required to participate to volunteer for more hours than required.

(6) COOPERATION. As a condition for continued benefits under WNW, a person who is a WNW recipient shall comply with reasonable requests for cooperation by the WNW case management team to apply for other public assistance programs or resources that the team believes may be available to the person. This shall include cooperating with the department's division of vocational rehabilitation in assessment and services when the WNW recipient has been referred by the case management team under s. HSS 207.15 (1).

History: Cr. Register, September, 1995, No. 477, eff. 10-1-95.

HSS 207.10 WNW benefit amount. (1) CALCULATION. Except as provided under s. HSS 207.09(1)(b), the economic support agency shall pay to a WNW group a combined monthly AFDC benefit under s. 49.19, Stats., and monthly food stamp benefit under 7 USC 2011 to 2029. The combined monthly benefit amount is equal to the sum of the following:

(a) *AFDC benefit amount.* An amount equal to the AFDC benefit that would be payable under s. 49.19, Stats., if the WNW demonstration project were not in effect, except as follows:

1. Child support payments shall be treated as unearned income in determining eligibility for benefits and in determining the amount of the monthly WNW benefit. If child support payments are being received regularly by the WNW group, the payments shall be budgeted prospectively in determining the WNW benefit amount. If the child support payments are being received regularly but the amount varies, the agency shall average the amounts in determining the amount to be budgeted. If child support payments are not being received regularly by the WNW group, the economic support agency may not budget the payments prospectively in determining the WNW benefit amount. In this subdivision, "received regularly" means child support payments of any amount received by the WNW group for at least 3 consecutive months;

2. The amount of the portion of the benefit amount determined under this paragraph may not increase to reflect the birth of a child into the WNW group, if the birth occurs more than 10 months after the WNW group's enrollment date, unless one of the following apply:

a. The WNW group did not receive benefits determined under this paragraph for a period of at least 6 months, for a reason other than application of a sanction under s. HSS 207.18 (3) (a), and the child is born into the WNW group no more than 10 months after the date on which the WNW group began receiving benefits determined under this paragraph after that 6-month period; or

b. The child was conceived as a result of incest in violation of s. 944.06 or 948.06, Stats., or a sexual assault in violation of s. 940.225(1), (2) or (3), Stats., in which the mother did not indicate a freely given agreement to have sexual intercourse and that incest or sexual assault has been reported to law enforcement authorities;

3. Instead of the child support disregard under s. 49.19 (5) (a) 1m., Stats., the agency shall disregard \$50 of the unearned income under subd. 1. received by a WNW group in a month;

4. Instead of the earned income disregards under s. HSS 201.28 (15) (b) 1. and 2., \$120 and an amount equal to one-sixth of the remaining monthly income earned from the unsubsidized employment of a WNW group member shall be disregarded from the monthly earned income of that person as long as the person is a member of the WNW group;

5. The portion of the WNW benefit amount calculated under this paragraph is based on the average income of the WNW group,

estimated prospectively for a 6-month period, except that for the first 2 months for which benefits calculated under this subsection are paid, the portion of the benefit amount calculated under this paragraph is based on the WNW group's estimated income for those first 2 months; and

6. The income received as a result of the application of par. (b) is not considered income in determining the portion of the benefit calculated under this paragraph; and

(b) *Food stamp benefit amount.* An amount equal to the cash value of the food coupons that the WNW group would receive under 7 USC 2011 to 2029 if WNW were not in effect, except as follows:

1. Child support payments shall be treated as provided in par. (a) 1.;

2. The portion of the benefit amount calculated under this paragraph is based on the average income of the WNW group, estimated prospectively for a 6-month period, except that for the first 2 months for which benefits calculated under this subsection are paid, the portion of the benefit amount calculated under this paragraph is based on the WNW group's estimated income for those first 2 months.

(2) **PARTIAL FREEZING OF WNW BENEFITS.** (a) *Adjustment of WNW benefit amount.* The WNW benefit amount calculated under sub. (1) may be adjusted, after the first 2 months for which benefits calculated under sub. (1) are paid, only at a regularly scheduled review under s. HSS 201.09(3), except as follows:

1. The benefit amount calculated under sub. (1) may be adjusted to reflect a significant change in circumstances under par. (b);

2. The benefit amount calculated under sub. (1) may be adjusted to reflect a decrease in earned income if there is good cause under s. HSS 207.18 (2) for the decrease;

3. The benefit amount calculated under sub. (1) may be adjusted to reflect an increase in earned income if the head of household of the WNW group requests a reduction in the WNW benefit in order to reduce the WNW group's required hours of participation under s. HSS 207.16 (4).

(b) *Significant change in circumstances.* A WNW group experiences a significant change in circumstances, for purposes of par. (a) 1., in any month in which at least one of the following occurs:

1. The number of persons in the WNW group changes;

2. A person in the WNW group is sanctioned under:

a. Section HSS 207.18 for failing or refusing to participate in WNW employment and training activities;

b. Section 49.12, 49.123 (2) or 49.127, Stats., for AFDC, general relief or FS fraud;

c. Section 49.19 (4) (h) 2., Stats., for failure to cooperate with child support as described in s. 49.19 (4) (h) 1. a., Stats.;

d. Section 49.50 (7), Stats., for failing or refusing to participate in Learnfare; or

e. Section 49.49, Stats., for MA fraud;

3. A person in the WNW group obtains new unsubsidized employment;

4. A person in the WNW group has an increase or decrease of 10 or more hours per week in unsubsidized employment;

5. A person in the WNW group receives unearned income from a new source in an amount greater than was estimated at the time WNW benefits were determined and that source of unearned income is expected to continue providing income until the next eligibility review under s. HSS 201.09 (3). This may include child support payments expected to be received by the WNW participant as a result of a recent court order or wage assignment;

6. The WNW group experiences an increase or decrease in the amount of unearned income in a month that differs from the estimated amount of monthly unearned income by more than \$50;

7. The WNW group experiences an increase or decrease in the amount of child care expenses in a month that differs from the estimated amount by more than \$50 or there is a change in the dependent care deduction under s. 49.19 (5) (a) 4s., Stats.;

8. The combined equity value of all of a WNW group's assets exceeds the limitation in s. 49.19 (4) (bm), (bu) or (by), Stats., as appropriate;

9. A member of the WNW group enters the seventh month of pregnancy and is eligible for the pregnancy allowance under s. HSS 201.30; or

10. A member of the WNW group experiences a life-threatening emergency as verified by the economic support agency. In this subdivision, "life-threatening emergency" means that a WNW group member is subject to a substantial risk of death or great bodily harm. The economic support agency shall make referrals for protective services as appropriate under ch. 48 or 55, Stats.

(3) **MAXIMUM NUMBER OF BENEFIT PAYMENTS.** Except as provided in sub. (5) and s. HSS 207.21, a WNW group may not receive more than 24 monthly benefit payments determined under this section during the WNW group's benefit period. The benefit payments need not be for consecutive months. Any partial benefit month is counted as a benefit month in determining when the WNW group has received 24 monthly WNW benefit payments. In a single parent case with a child under one year of age living in the home who was born no more than 10 months after the WNW group's enrollment date, the 24-month time limit on benefits does not begin until the child reaches age one.

(4) **PERIOD OF INELIGIBILITY.** (a) A WNW group may not receive a benefit payment determined under sub. (1) after the WNW group's benefit period has elapsed unless it has been at least 36 months since the WNW group received a WNW benefit payment.

(b) During the period of ineligibility, the economic support agency shall ensure that the WNW group receives appropriate services such as shelter payments under s. HSS 207.19 or assistance from the children's services network under s. HSS 207.06.

(c) The economic support agency shall ensure that 90 days prior to the termination of benefits the WNW group receives appropriate notice that WNW benefits will end. The notice shall include information regarding applying for an extension of the WNW benefits under s. HSS 207.21 and of possible eligibility for food stamp benefits under 7 USC 2011 to 2029 and medical assistance.

(5) **ADDITIONAL MONTHLY WNW PAYMENTS.** A WNW group shall receive one monthly benefit payment in addition to the 24 monthly benefit payments permitted under sub. (3) and a one month extension to the WNW group's benefit period for each month after the WNW group's enrollment date in which each person in the WNW group meets at least one of the following conditions:

(a) The person has been determined eligible for or receives a supplemental security income payment under 42 USC 1381 to 1383c or a supplemental payment under s. 49.177, Stats., for the month;

(b) The person is the head of household of the WNW group, is a nonlegally responsible relative of a dependent child in the WNW group and is not included in determining the WNW benefit payment amount under sub. (1);

(c) The person is required to attend school as part of learnfare under s. 49.50 (7), Stats., and s. HSS 201.195;

(d) The person is under 18 years of age;

(e) The person is incapacitated as defined under s. HSS 207.11 (1) (a) or is needed in the home to care for a member of the WNW group who is incapacitated. The agency shall determine if appropriate care or services for the incapacitated WNW group member is available in the community and shall make the appropriate referrals;

(f) The person is needed in the home to care for a child who is under one year of age and who was born not more than 10 months after the WNW group's enrollment date; or

(g) The person is subject to the employment and training requirements under s. HSS 207.16, requires child care services in order to participate in these employment and training activities, and child care services are not available for at least the number of hours specified as part of the person's employment and training assignment under s. HSS 207.16 (4).

(6) CHILD SUPPORT PAYMENTS. Notwithstanding s. HSS 201.18, the rights of WNW group members to support or maintenance from other persons, including rights to unpaid amounts accrued on the WNW group's enrollment date and the rights to unpaid amounts accruing during the time that the WNW group is subject to the WNW demonstration project are not assigned to the state. WNW group members shall comply with s. HSS 201.18 (1) and may be sanctioned under s. HSS 201.18 (2) for failing to cooperate in establishing paternity and obtaining support payments.

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HSS 207.11 Participation in WNW employment and training activities. (1) WHO IS NOT REQUIRED TO PARTICIPATE. A WNW group member is not required to participate in employment and training activities in any month in which the person is:

(a) Incapacitated, ill or injured with a medically-determined physical or mental impairment which prevents the person from temporarily or permanently participating in WNW employment or training activities. This temporary incapacitation shall include a period of recuperation following childbirth if prescribed by the woman's physician. Unless the medical condition is determined by the physician to be permanent, the person shall be reexamined by a physician on or before the date a physician stated the incapacity is expected to cease, but at least annually. The case management team under s. HSS 207.15 (1) shall determine whether to refer a person who is exempt from participation in WNW employment and training activities on the basis of incapacitation that is expected to continue for more than 30 days to the department's division of vocational rehabilitation;

(b) Age 60 or older;

(c) Needed in the home, as determined by the economic support agency, because of the illness or incapacity of another member of the WNW group;

(d) Receiving SSI or a supplemental payment under s. 49.177, Stats., for that month;

(e) A nonlegally responsible relative of a dependent child as defined under s. 49.19 (1) (a), Stats., in the WNW group and the person's needs are not considered in calculating the WNW benefit under s. HSS 207.10;

(f) Required to participate in learnfare under s. HSS 201.195;

(g) The head of the household of the WNW group and is under 18 years of age;

(h) A caretaker of a child under 6 months of age living in the home. Only one person in a WNW group may be exempt for this reason;

(i) A caretaker of a child under one year of age living in the home who was born no more than 10 months after the WNW group's enrollment date. Only one person in a WNW group may be exempt for this reason. During a benefit period only one exemption is available to a caretaker who enters the WNW program pregnant or with a child under age one; or

(j) Medically-verified pregnant and provides a written physician's statement to the agency that states that she is unable to work.

(2) REFERRAL TO THE WNW ADMINISTRATIVE AGENCY. An economic support agency shall refer registrants to the WNW administrative agency. In referring a registrant to the WNW administrative agency, the economic support agency shall:

(a) Determine the JOBS status of the registrant to be one of the following:

1. Exempt status, which signifies that the registrant is not required to participate in WNW employment and training activities for a reason specified under sub. (1);

2. Mandatory status, which signifies that the registrant does not meet an exemption under sub. (1); or

3. Voluntary status, which signifies that the registrant has chosen to participate even though he or she qualifies for an exemption under sub. (1);

(b) Refer only a WNW registrant who is not exempt under sub. (1) or who volunteers to participate in WNW employment and training activities to the WNW administrative agency;

(c) At the time of the person's application for WNW and at each eligibility review, give the person who signs the application form written information about WNW employment and training program activities and supportive services and the rights and responsibilities of WNW employment and training participants. The economic support agency shall give a registrant assigned to mandatory status under sub. (1) written notice of appeal rights at the time of referral;

(d) Provide to the WNW administrative agency director or designee the registrant's name and other information pertinent to the registrant's participation in WNW employment and training activities taken from the application for WNW completed by the registrant; and

(e) Notify the registrant in writing of the referral to WNW employment and training activities. The notice shall include information regarding the availability of program activities and supportive services and the sanctions for failure to participate and shall direct the recipient to send a copy of his or her school or work schedule to the WNW administrative agency.

History: Cr. Register, September, 1995, No. 477, eff. 10-1-95.

HSS 207.12 WNW administrative agency responsibilities. (1) OPERATION OF EMPLOYMENT AND TRAINING COMPONENT.

A WNW administrative agency shall operate the employment and training component of WNW in a manner designed to provide members of the WNW group who are age 16 and over with the means to achieve long-term independence from public assistance including, where appropriate, education. The WNW employment and training program shall include all of the program components in s. 49.193, Stats., except that:

(a) The service priorities in s. 49.193 (2) (b), Stats., do not apply to persons who are required to participate in WNW employment and training activities, all of whom shall receive equal priority;

(b) The WNW administrative agency may assign a WNW group member to participate in any activity under s. HSS 207.16 (1), except that when assigning a WNW group member to education or training activities, the WNW administrative agency may not assign the WNW group member to education or training activities which the individual is not likely to complete within a 24 month period;

(c) The WNW administrative agency may not approve a self-initiated education or training program to allow a WNW group member to fulfill the hours of participation requirement under s. HSS 207.16 (4) in whole or part through that participation if the education or training program is not likely to be completed within a 24 month period;

(d) The WNW administrative agency may require a WNW group member to participate in community work experience activities under s. 49.193 (4) (h), Stats., for more than 32 hours a week and more than 16 weeks in a 12 month period;

(e) The WNW administrative agency may require a WNW group member to participate in work supplementation activities under s. 49.193 (4) (g), Stats.;

(f) The WNW administrative agency shall assign a WNW group member in need of a high school diploma to general educational development (GED) classes as provided under s. PI 5.035

or high school equivalency diploma classes as provided under s. PI 5.09 unless the person demonstrates a basic literacy level or the employability plan for the individual identifies a long-term employment goal that does not require a high school diploma or a declaration of equivalency. In this paragraph, "basic literacy level" means a literacy level that allows a person to function at a level equivalent to at least grade 8.9;

(g) In addition to the JOBS program employment and training activities under s. 49.193 (4) to (7), Stats., WNW employment and training activities shall include an independence jobs program, as defined in s. HSS 207.16 (1) (e), providing for subsidized employment in the public sector;

(h) The WNW administrative agency may require a WNW group member to participate in an alcohol and other drug abuse prevention and treatment program to fulfill WNW employment and training requirements; and

(i) A WNW group member may fulfill his or her required hours of participation under s. HSS 207.16 (4) by working in unsubsidized employment or by a combination of working in unsubsidized employment and participating in WNW employment and training activities. For a WNW group member who is working full-time in unsubsidized employment, the unsubsidized employment shall count toward meeting the participation requirement.

(2) OPERATION OF OTHER COMPONENTS. The WNW administrative agency in operating the work supplementation, community work experience and on-the-job training components of the JOBS program under s. 49.193, Stats., and ch. HSS 206 may not do any of the following:

(a) Displace any regular employe or reduce the wages, employment benefits or hours of work of any regular employe;

(b) Impair an existing contract for services or collective bargaining agreement;

(c) Fill a position when any other person is on layoff from the same or a substantially equivalent job within the same organizational unit;

(d) Fill a vacancy created by an employer terminating a regular employe or otherwise reducing its work force for the purpose of hiring an individual under s. HSS 207.16; or

(e) Infringe on the promotional opportunities of a regular employe.

(3) NON-WNW EMPLOYEES AT A WORKSITE. As provided under s. HSS 206.21 (2), the WNW administrative agency shall ensure that regular employes at a WNW work component worksite receive written notice that they may file grievances regarding the work assignment of any WNW participant located at the worksite that violates any of the prohibitions described in sub.(2).

History: Cr. Register, September, 1995, No. 477, eff. 10-1-95.

HSS 207.13 Employment in WNW employment and training activities. (1) ENROLLMENT APPOINTMENT. Upon receipt of a referral from the economic support agency, the WNW administrative agency shall schedule an enrollment appointment for the registrant. The WNW administrative agency shall schedule the appointment at a time when it will not interfere with the registrant's school or work schedule if the registrant has provided a copy of his or her school or work schedule to the WNW agency. The WNW agency shall send written notice of the enrollment appointment to the registrant at least 7 calendar days before the appointment date or, if written notice of the enrollment appointment is provided in person, the registrant may request that the agency schedule an enrollment appointment at a later date but not to ex-

ceed 7 calendar days from the day that the written notice was provided in person. The notice shall:

(a) Ask the registrant to provide a copy of his or her school or work schedule to the WNW agency if not already provided;

(b) Clearly state that if the registrant is unable to attend, he or she shall contact the WNW administrative agency before the scheduled appointment date to reschedule the appointment; and

(c) Inform the registrant that a contact with the economic support agency is not sufficient to explain the reason for failure to keep the enrollment appointment.

(2) RESCHEDULING THE ENROLLMENT APPOINTMENT. The WNW administrative agency shall reschedule the enrollment appointment upon request of the registrant and shall send a written notice to the registrant confirming the new appointment.

(3) FAILURE TO KEEP APPOINTMENT. The WNW administrative agency shall refer a WNW registrant back to the economic support agency for sanction under s. HSS 207.18 after the registrant fails to respond to the enrollment appointment notice under sub. (1) or (2) without good cause as determined under s. HSS 207.18 (2).

History: Cr. Register, September, 1995, No. 477, eff. 10-1-95.

HSS 207.14 Orientation. Within a 2-month period beginning on the WNW group's enrollment date, the WNW case management team under s. HSS 207.15 (1) shall ensure that each new enrollee participates in an orientation session. Orientation to WNW employment and training activities may be conducted on an individual or group basis and shall include:

(1) The enrollee's rights, responsibilities and obligations under WNW, including:

(a) Oral and written explanations of the limitations on the WNW benefits;

(b) Participation requirements for WNW employment and training activities;

(c) How the sanction process for failure to participate without good cause will work; and

(d) Services available to a WNW group after the period of eligibility ends and how to apply for other benefits;

(2) The employment, education and training opportunities available under WNW;

(3) Supportive services available through the WNW program such as transportation and child care and coverage of other work-related expenses to assist enrollees to participate in WNW;

(4) Types of child care, availability and location of child care providers and information on how to select a child care provider;

(5) Other education and training programs available to assist the enrollee such as job training partnership act-funded programs under 29 USC 1501 et. seq., federally funded basic education at vocational or technical schools, basic education classes taught by volunteers or vocational courses taught by community-based agencies;

(6) Other support services available in the community such as alcohol and other drug abuse (AODA) treatment programs, vocational rehabilitation and other community programs;

(7) The importance of cooperation with the child support agency; and

(8) Benefits that may be available through employment such as federal and state earned income tax credits and health insurance.

History: Cr. Register, September, 1995, No. 477, eff. 10-1-95.

HSS 207.15 Case management. (1) CASE MANAGEMENT TEAM. The WNW administrative agency shall assign each WNW group to a case management team. The case management team shall be made up of case managers representing the economic support, employment and training, child care and child support components of the WNW program.

(2) REQUIREMENT. Following an enrollee's orientation and before assigning the enrollee to an appropriate activity or activities, the WNW administrative agency shall assess each enrollee and develop an employability plan for the enrollee in accordance with this section.

(3) ASSESSMENT. (a) Job readiness screening. The WNW administrative agency shall screen a new enrollee to determine whether that person is or is not job ready. If the new enrollee is found not job ready, a comprehensive assessment shall be provided under par. (b) for that person. This initial assessment shall take into consideration:

1. The enrollee's educational background, including the highest grade completed, the enrollee's reading and math skills and any limited English proficiency;
2. The enrollee's interests, skills and prior training and work experience;
3. Barriers to the enrollee's employment, including length of time receiving AFDC;
4. The enrollee's family circumstances, including the needs of a spouse, essential person as defined under 45 CFR 233.20 (a) (2) (vii) and any child of the individual who is under age 18 or who is a dependent 18 year old under s. HSS 201.24; and
5. The enrollee's need for child care and other supportive services.

(b) Comprehensive assessment. The WNW administrative agency shall ensure that an enrollee who is determined not to be job ready under par. (a) is provided with a comprehensive assessment before assignment to any WNW program activity. The assessment shall take into consideration:

1. Historical testing data related to skills and abilities;
2. Results of standardized tests administered by the WNW administrative agency; and
3. Other methods to appraise a participant's experience, skill, aptitudes, interests, attitudes and personal circumstances.

(4) EMPLOYABILITY PLAN. The WNW administrative agency shall develop a written employability plan for the enrollee before the enrollee begins a WNW program activity. The employability plan shall be developed in consultation with the enrollee based on the assessment completed under sub. (3), shall take into consideration the preferences of the enrollee and shall include the following:

- (a) An identified employment goal;
- (b) A description of the WNW program activities that the enrollee shall participate in to achieve the employment goal;
- (c) A description of the supportive services needed by the enrollee or other family members including child care, transportation and payment for other work-related expenses that are reasonable, necessary and directly related to participation in WNW as provided under s. HSS 207.17. The description shall include information as to how these supportive services will be paid for and by whom;
- (d) A description of any other supportive services to which the enrollee and his or her family are to be referred that are needed by the enrollee and his or her family to enable the enrollee to participate in WNW; and
- (e) The projected date for completion for each item included in pars. (b) to (d) and the name of the case manager responsible for ensuring that an enrollee is provided with these activities or services.

(5) MONITORING OF EMPLOYABILITY PLAN. The WNW administrative agency shall review the employability plan when needed but at least every 6 months. The review shall be done in consultation with the participant and shall address:

- (a) Supportive service needs of the participant or his or her family;
- (b) Progress made by the participant in education or training or other program components; and
- (c) Necessary changes, if any, to the employability plan which will enable the participant to obtain and retain employment.

History: Cr. Register, September, 1995, No. 477, eff. 10-1-95.

HSS 207.16 Assignment to WNW employment and training activities. (1) TYPES OF ACTIVITIES. Following development of an employability plan under s. HSS 207.15(4), the WNW administrative agency shall assign an enrollee or participant to an appropriate WNW employment and training program activity. The WNW administrative agency may assign an enrollee or a participant to one or more of the following JOBS program activities under s. 49.193, Stats.:

- (a) Motivation activities;
- (b) Job readiness activities;
- (c) Job search;
- (d) Subsidized employment, which may include:
 1. On-the-job training; or
 2. Work supplementation;
- (e) Work experience programs, which may include community work experience or an independence jobs program. In this paragraph and s. HSS 207.12 (1) (g), "independence jobs program" means a WNW employment and training activity which has the purpose of making a WNW participant more employable through work experience which involves placement of the WNW participant in an uncompensated community job that serves a useful purpose;
- (f) Educational activities which may include payment for or referral to any of the following:
 1. Remedial education;
 2. Post-secondary education or training as provided under s. HSS 207.12(1);
 3. Job skills training; or
 4. Parenting skills training as provided under s. 49.193 (4) (j) 6., Stats.; or
- (g) Participation in alcohol or other drug abuse prevention and treatment programs.

(2) CONDITIONS FOR ASSIGNMENT. In assigning an enrollee or participant to a WNW program activity, the WNW administrative agency shall ensure that:

- (a) The enrollee or participant is assigned to an activity that will enable him or her to obtain and sustain economic self-sufficiency as soon as possible;
- (b) The program activity tasks are within the capability of the participant to perform on a regular basis, taking into account the participant's physical capacity, skills and experience, the participant's family responsibilities and the participant's place of residence in relation to the program activity;
- (c) The total daily commuting time to and from the home to the program activity site to which the participant is assigned does not normally exceed 2 hours, not including the transporting of a child to and from child care. If a longer commuting distance and time is generally accepted in the community, then the round trip commuting time may not exceed the generally accepted community standard without the participant's consent;
- (d) No participant may be required, without his or her consent, to remain away from home overnight;

(e) The conditions of participation are reasonable, taking into account in each case the job proficiency of the participant and the child care and other supportive service needs of the participant;

(f) Training is appropriate. For training to be appropriate, the nature of the training shall, to the extent practicable, meet local employers' requirements including their occupational needs so that the participant will be in a competitive position within the local labor market. The training shall also be likely to lead to employment which meets the criteria in pars. (a) to (d);

(g) The work, training or activity site is in compliance with federal, state or local health and safety standards;

(h) The work, training or activity site complies with state and federal civil rights prohibitions against discrimination as provided under 45 CFR 251.1 (c). The WNW administrative agency shall provide information to participants regarding their rights under any applicable federal, state or local law prohibiting discrimination;

(i) The job is not vacant because of a strike, lockout or other bonafide labor dispute;

(j) Taking the job would not be against the rules of a union to which the enrollee or participant belongs;

(k) The enrollee or participant is not required to join, resign from or refrain from joining any legitimate labor organization as a condition of employment; and

(l) The WNW program activity would not interfere with the enrollee's or participant's return to his or her regular job which is expected to occur within a short period of time. The enrollee or participant may, however, be required to take a temporary job until his or her regular job resumes.

(3) AGENCY-PROVIDED OR CONTRACTED ACTIVITIES. The WNW administrative agency may provide WNW program activities or may contract for WNW program activities.

(4) REQUIRED HOURS OF PARTICIPATION. (a) Beginning on the first day of the month following completion of the orientation activities under s. HSS 207.14, each member of a WNW group who is required to participate in WNW employment and training activities shall participate in the assigned activities. Participation shall be for a specified number of hours a month. Except as provided in par. (b), the number of hours of required participation shall be based on the amount of the monthly benefit determined under s. HSS 207.10 that is paid to the WNW group and on the number of persons in the WNW group who are subject to the employment and training requirement. The number of hours of required participation may not exceed:

1. Monthly, the number of hours resulting from dividing the monthly WNW benefit determined under s. HSS 207.10 by the federal minimum hourly wage prescribed under 29 USC 206 (a) 1;

2. Weekly, 40 hours, except that the number of hours of required participation weekly may not exceed the number of hours that a person is assigned under this paragraph; and

3. If child care is needed to enable a WNW group member to participate, the number of hours for which child care is made available under s. HSS 207.17 (2).

(b) The required number of hours of participation shall remain the same when the WNW grant is recalculated due to a significant change in circumstances under s. HSS 207.10(2) (b) 2.

(c) If a participant has missed participation hours without good cause, the participant may be given an opportunity to make up the missed hours if the WNW case manager or administrative agency determine that make-up hours can reasonably be made available in the same month they were missed.

History: Cr. Register, September, 1995, No. 477, eff. 10-1-95.

HSS 207.17 Supportive services. (1) NECESSARY SERVICES. A WNW administrative agency shall provide or make provision for supportive services if needed by an enrollee or participant and identified in the enrollee's or participant's employability

plan as necessary to ensure participation in WNW employment and training activities. Supportive services include counseling, nutrition education, child care, transportation to employment interviews or other approved program activities and work-related expenses.

(2) CHILD CARE. (a) Payment for child care shall be limited to those children in the WNW group and to those children who would be dependent as defined under s. 49.19 (1) (a), Stats., except for the receipt of SSI or benefits under Title IV-E of the Social Security Act of 1935, as amended, and who are:

1. Under age 13; or

2. Age 13 or older and meet one or more of the following conditions as documented by the agency in the case record:

a. The child is physically or mentally incapable of caring for himself or herself, as verified by a physician or a psychologist; or

b. The child is under court supervision as verified by a social worker or the court worker.

(b) The WNW administrative agency shall assist the enrollee or participant in arranging payment for child care expenses as follows:

1. When the child care is needed for an enrollee to attend a WNW employment and training program activity prior to the development of an employability plan under s. HSS 207.15 (4), the child care provider chosen by the enrollee may be one who is not required to be licensed by the department or certified by the county;

2. When the child care is needed for a participant to participate in approved WNW employment and training program activities included in an employability plan under s. HSS 207.15(4), the child care provider shall be licensed under s. 48.65 (1), Stats., and ch. HSS 45, certified under s. 48.651, Stats., and ch. HSS 55 or established under s. 120.13(14), Stats.; and

3. When the child care is needed for a participant to participate in approved WNW employment and training program activities, actual child care expenses in the amount determined by the department to be reasonable, necessary and cost-effective but not in excess of the maximum reimbursement rates under s. 46.98 (4), Stats., and s. HSS 55.74 shall be paid to the provider after a bill has been submitted to the WNW administrative agency when the enrollee is participating in an approved WNW employment and training program activity or, if the enrollee has already paid the child care provider, to the enrollee as reimbursement upon presentation of a receipt from the provider.

(3) TRANSPORTATION. Payment for transportation costs, including the cost of the transportation to and from the enrollee's or participant's child care provider, shall be in the amounts equal to the cost of transportation by the most appropriate means as determined by the WNW administrative agency.

(4) WORK-RELATED EXPENSES. Payment shall be made for work-related expenses that are reasonable, necessary and directly related to participation in a work component or unsubsidized employment, and approved by the department.

(5) REFERRAL FOR OTHER SERVICES. The WNW administrative agency shall make referrals to appropriate agencies for other supportive services needed by an enrollee or participant.

(6) REQUIRED PAYMENT BY ENROLLEE OR PARTICIPANT. No enrollee or participant may be required to pay from his or her own funds for any child care under sub. (2), transportation under sub. (3) or work-related expenses under sub. (4) related to participation in WNW employment and training program activities and included in an employability plan under s. HSS 207.15(4).

History: Cr. Register, September, 1995, No. 477.

HSS 207.18 Sanctions for failing to meet employment and training requirements without good cause.

(1) REASONS FOR INITIATING A SANCTION ACTION. (a) Initiation of sanction procedures. The WNW administrative agency shall initiate sanction procedures when a WNW participant who has been

determined to be mandatory under s. HSS 207.11 refuses to enroll or participate in a WNW employment and training program activity or refuses to accept employment, terminates employment or reduces earnings.

(b) *Failure to enroll.* If a WNW registrant fails to respond to the enrollment appointment notice under s. HSS 207.13 (1) or (2) without good cause under sub. (2), the WNW administrative agency shall refer the registrant back to the economic support agency for sanction.

(c) *Failure to participate.* An enrollee's or participant's refusal to participate occurs when:

1. The enrollee or participant expresses verbally or in writing to the WNW administrative agency program staff that he or she refuses to participate; or

2. The enrollee or participant implies refusal to participate by:

a. Failing to appear for an interview with a prospective employer or for any other assigned interview or activity;

b. Voluntarily leaving appropriate employment or training or reduces earnings without good cause under sub. (2);

c. Failing to participate in a scheduled activity;

d. Being discharged from appropriate employment or training for misconduct; or

e. Some other behavior or action shows that he or she refuses to participate in WNW program activities.

(d) *Failure to accept employment.* If a WNW participant refuses to accept a bonafide offer of unsubsidized employment without good cause under sub. (2), the WNW administrative agency shall refer the participant back to the economic support agency for sanction.

(2) **DETERMINATION OF GOOD CAUSE.** The WNW administrative agency shall determine if a WNW group member had good cause for not complying with the WNW employment and training requirements. In making such a determination, the agency may require that the WNW group member provide written documentation in accordance with s. HSS 201.08 that good cause existed. Good cause for not participating in an assigned WNW employment and training activity or reducing earnings shall be any of the following circumstances:

(a) Family emergency which means the illness, injury, incapacity or death of the WNW group member or a member of the WNW group member's family. In this paragraph, "member of the WNW group member's family" means a spouse, child, parent or dependent relative who lives with the participant;

(b) A required court appearance;

(c) Temporary incarceration;

(d) Child care was necessary for the WNW group member to participate or accept employment, child care was unavailable and the WNW agency was unable to provide or refer for alternate child care arrangements;

(e) The WNW group member's reduced earnings were the result of:

1. Being temporarily laid off through no fault of his or her own;

2. The employer reducing hours of work for reasons beyond the control of the WNW group member;

3. Involuntary demotion; or

4. The WNW group member participating in approved education or training activities, including post-secondary education, was working while school was not in session and quit to return to school; or

(f) Failure to be properly notified of a WNW program activity.

(3) **APPLICATION OF A SANCTION.** (a) If after the first month for which a WNW group receives cash benefits determined under s. HSS 207.10, the WNW administrative agency notifies the economic support agency that a WNW group member failed to meet

the employment and training requirements without good cause under sub. (2) in a month, the WNW group may be sanctioned by reducing or by not paying the benefit amount determined under s. HSS 207.10 for that month. The amount that the WNW benefit shall be reduced shall be determined by:

1. Multiplying the federal minimum wage times the number of hours of the WNW group member's obligation that was not met or, in the case of refusal of a bonafide offer of unsubsidized employment, times the number of employment hours that were offered to the participant not to exceed the required hours of participation determined under s. HSS 207.16 (4) (a);

2. Subtracting the amount determined under subd. 1, from the WNW benefit determined under s. HSS 207.10. The sanction shall first be applied to the AFDC portion of the WNW grant. When the AFDC portion of the WNW grant is reduced to \$0, the food stamp portion shall be reduced at the same rate except that the food stamp portion of the WNW benefit may not be reduced below \$10. The remainder is the reduced benefit amount. If the WNW participant is the caretaker of a child under age 6, or if a participant fails to comply with required hours in excess of 30 hours, the WNW grant may not be reduced below the food stamp portion of the WNW benefit determined under s. HSS 207.10 (2).

(b) If a sanction under par. (a) is imposed, the economic support agency shall send written notice to the primary person which specifies:

1. That WNW benefits are reduced or no payment is being made because a member of the WNW group did not have good cause for failing to participate in WNW employment and training activities and a specific reason for the action;

2. The beginning date of the sanction and person or persons in the WNW group to whom the sanction applies; and

3. The primary person's right to a fair hearing in accordance with ch. HSS 225.

(c) If the primary person does not request a fair hearing or if, after a fair hearing has been held, the hearing officer finds that the WNW group member has failed to participate in WNW employment and training activities without good cause, the WNW benefit amount shall be reduced or no payment shall be made, as provided under par.(a).

(4) **EFFECTIVE PERIOD OF A WNW SANCTION.** (a) A sanction applied under sub. (3) (c) shall be effective for one month for each month the WNW group member fails to meet the WNW employment and training requirements.

(b) For failure or refusal to enroll or failure to meet employment and training requirements, the effective period of sanction shall be a minimum of one month. If the failure to enroll or failure to meet employment and training requirements ceases, the WNW administrative agency shall inform the economic support agency. The economic support agency shall end the sanction in the next possible payment month.

(c) For failure or refusal to accept a bonafide offer of unsubsidized employment, regardless of whether the WNW participant has met his or her employment and training requirement under s. HSS 207.16 (4) (a), the effective period of sanction shall be a minimum of one month. If the WNW participant obtains a job that has as many or more hours per week as the job that was refused or agrees to cooperate fully with the WNW case manager, the WNW administrative agency shall inform the economic support agency. The economic support agency shall end the sanction in the next possible payment month.

(d) For voluntarily leaving appropriate employment, the effective period of sanction shall be a minimum of one month. If the WNW participant obtains another job that pays as much or more per month or agrees to cooperate fully with the WNW case manager, the WNW administrative agency shall inform the economic support agency. The economic support agency shall recalculate

the WNW grant and employment and training requirement in the next possible payment month.

(e) If the initial employability plan is not completed by the end of the second month, the WNW administrative agency shall refer the case to the economic support agency for full sanction. For subsequent months, if a WNW group misses an employability plan development or review meeting under s. HSS 207.15 (4) or (5) without good cause, the WNW administrative agency shall also refer the case to the economic support agency for a full sanction. This sanction shall continue until the WNW group meets with the WNW administrative agency to complete the employability plan.

(5) **EFFECT OF SANCTION ON MAXIMUM NUMBER OF MONTHLY BENEFIT PAYMENTS.** For purposes of the maximum number of monthly benefit payments permitted under s. HSS 207.10 (3), a WNW group shall be considered to have received a monthly benefit in a month in which, as a result of a sanction under sub. (3), a reduced monthly WNW benefit or no monthly WNW benefit is paid.

History: Cr. Register, September, 1995, No. 477, eff. 10-1-95.

HSS 207.19 Shelter payments. (1) ELIGIBILITY. The economic support agency shall pay a shelter payment benefit to a WNW group under this section if all of the following conditions are met:

(a) The WNW group has received the maximum number of benefit payments determined under s. HSS 207.10 or 207.21, as provided in s. HSS 207.10 (3) to (5);

(b) The WNW group applies for the shelter payment benefit and meets all nonfinancial eligibility requirements under ch. HSS 201;

(c) The period of ineligibility under s. HSS 207.10 (4) and (5) for the WNW group has not yet expired; and

(d) The WNW group is in danger of becoming homeless. In this paragraph, "in danger of becoming homeless" means that:

1. A WNW group has received a mortgage foreclosure notice under ch. 846, Stats., or eviction notice under s. 704.17, Stats., which includes a specific date for leaving the property or premises;

2. The economic support agency determines that the WNW group does not have income or resources available to pay the rent or mortgage;

3. Alternative housing is not available or it is not economically feasible for the WNW group to move; and

4. The WNW group is not eligible for AFDC emergency assistance under s. 49.19 (1) (b), Stats.

(2) **BENEFITS.** For a WNW group that is eligible for benefits under this section, the economic support agency shall pay a shelter payment benefit equal to the lesser of the WNW group's shelter expenses or the benefit amount that the WNW group would have received under s. HSS 201.30, if the group were not subject to WNW, based only on the number of children in the WNW group. The economic support agency shall determine the amount of the shelter payment benefit using the same calculation provided under s. HSS 207.10 (1) (a) and shall issue the shelter payment benefit directly to the provider of the shelter or in the form of a voucher that the WNW group may use only for shelter expenses.

History: Cr. Register, September, 1995, No. 477, eff. 10-1-95.

HSS 207.20 Transitional benefits. (1) TRANSITIONAL CHILD CARE. (a) Eligibility. A WNW group is eligible for transitional child care services in any month in which all of the following conditions are met:

1. The WNW group has received at least one monthly cash benefit determined under s. HSS 207.10 prior to that month;

2. The WNW group will not receive benefits determined under s. HSS 207.10, 207.21 or 207.23 for that month for one of the following reasons:

a. The WNW group is no longer eligible because of earned income;

b. At least one WNW group member becomes employed after the 24 months of WNW payments; or

c. The WNW group chooses not to receive WNW benefits, even though eligible, because of employment;

3. The WNW group's benefit period has not yet expired;

4. At least one person in the WNW group is employed in unsubsidized employment and child care is needed to permit a member of the WNW group to accept or retain employment;

5. The WNW group includes a child who is dependent as defined under s. 49.19 (1) (a), Stats., or who would be dependent as defined under s. 49.19 (1) (a), Stats., except for the receipt of SSI or benefits under Title IV-E of the Social Security Act of 1935, as amended. Payment for child care is limited to those children who meet the criteria under s. HSS 201.36 (4) (c) and (d); and

6. The child care is provided by a child care provider as defined in s. 46.98 (1) (am), Stats.

(b) *Time limitations on transitional child care benefits.* 1. A WNW group that is eligible for transitional child care under par. (a) may receive transitional child care benefits under par. (a) for a maximum of 12 months during a benefit period. These months need not be consecutive.

2. A WNW group may not receive transitional child care benefits under this paragraph after the WNW group's benefit period has elapsed unless it has been at least 36 months since the WNW group received benefits determined under s. HSS 207.10, 207.21 or 207.23.

(c) *Payment method and amount.* 1. The economic support agency shall issue a voucher monthly to the WNW group to cover child care costs minus the copayment amount determined under subd. 2. The voucher amount may not exceed the maximum rate set by the county and approved by the department under s. 46.98 (4)(d), Stats., and s. HSS 55.72 (2) and (7);

2. The economic support agency shall determine the copayment amount based on the WNW group's ability to pay as determined under s. 46.98 (4) (b), Stats., and s. HSS 55.77. The WNW group may appeal the copayment amount in accordance with the procedures under ch. HSS 225, except that a petition for a fair hearing shall be filed to be received in the department's office of administrative hearings within 45 days after the effective date of the copayment amount. Eligibility for initial or continuous transitional child care benefits shall exist if the family pays the copayment amount determined by the economic support agency pending the fair hearing decision. If the family prevails in the fair hearing, the economic support agency shall reimburse the family for the overpayments made by the family.

Note: To request a hearing, write: Office of Administrative Hearings, P.O. Box 7875, Madison, Wisconsin 53707.

(2) **TRANSITIONAL MEDICAL BENEFITS. (a) Eligibility.** Except as provided in par. (b), all members of a WNW group are eligible for transitional medical benefits under par. (c) for any month in which all of the following conditions are met:

1. The WNW group has received at least one monthly cash benefit determined under s. HSS 207.10 prior to that month;

2. The WNW group will not receive benefits determined under s. HSS 207.10, 207.21 or 207.23 for that month for one of the following reasons:

a. The WNW group is no longer eligible because of earned income;

b. At least one adult WNW group member is employed in unsubsidized employment; or

c. The WNW group chooses not to receive WNW benefits, even though eligible, because of employment;

3. The WNW group's benefit period has not yet expired;

4. At least one adult member of the WNW group is employed in unsubsidized employment;

5. The income of the WNW group is not greater than 185% of the poverty line for a family the size of the WNW group; and

6. If the income of the WNW group is greater than 100% of the poverty line for a family the size of the WNW group, the WNW group pays, notwithstanding ss. 49.45 (18) and 49.47 (8), Stats., a health care services premium to the department which is equal to 10% of the WNW group's total net income, with a minimum premium of \$5.

(b) *Time limitation on benefits.* The WNW group is eligible for transitional medical benefits under this subsection for a maximum of 12 months during a benefit period. The months need not be consecutive. A WNW group may not receive transitional medical benefits under this subsection after the WNW group's benefit period has elapsed unless it has been at least 36 months since the WNW group received benefits determined under s. HSS 207.10 or 207.21.

(c) *Benefits.* Each person in a WNW group that is eligible for benefits under this subsection in a month shall receive MA under s. 49.46 (1) (cs), Stats., or, if a person could be covered by an insurance plan offered by the employer of one of the members of the WNW group and if the department determines that it would be cost-effective to do so, a payment equal to the amount of the premium that is required to be paid by the employed member of the WNW group, if any.

(d) *Termination of coverage.* Transitional medical benefits shall be granted continuously unless one of the following occurs:

1. The primary person requests that coverage be delayed in order to bank the coverage;

2. The WNW group fails to report income and circumstances timely;

3. The WNW group has no earned income;

4. The WNW group's average gross monthly earnings minus the earned income and child care disregards exceed 185% of the federal poverty level, only after the group has received the first 3 months of transitional medical assistance;

5. The WNW group does not include a dependent child as defined under s. 49.19 (1), Stats.; or

6. The WNW group fails to pay an assessed premium timely.

History: Cr. Register, September, 1995, No. 477, eff. 10-1-95.

HSS 207.21 Receipt of WNW benefits following the initial eligibility period. (1) **ADDITIONAL MONTHLY WNW BENEFITS PAYMENTS.** A WNW group may be eligible for monthly benefit payments in addition to the monthly benefit payments under s. HSS 207.10 and extensions to the group's benefit period if the case management team determines prior to the date the WNW group will receive the maximum number of benefit payments as provided under s. HSS 207.10 (3) and (5), in accordance with sub. (2), that unusual circumstances, as provided under sub. (3), exist such that the WNW group is not able to achieve economic self-sufficiency during the eligibility period and warrants an additional benefit payment and an extension of the benefit period.

(2) **CASE MANAGEMENT TEAM RECOMMENDATIONS.** The case management team may make a referral for determination of eligibility for supplemental security income or social security disability payments or for services available from the department's division of vocational rehabilitation or recommend to the department's onsite WNW manager that WNW benefits continue beyond the eligibility period.

(3) **CONSIDERATIONS IN RECOMMENDING EXTENSION.** In determining whether to recommend continued WNW benefits, the case management team shall consider unusual circumstances such as:

(a) An adult WNW group member being unable to work because of personal disability or incapacity, as defined under s. HSS 207.11(1)(a), or need to care for a member of the WNW group

whose incapacity is so severe that without constant in-home care provided by a WNW group member the incapacitated WNW group member's health and well-being would be significantly affected;

(b) Significant limitations to employment such as:

1. A WNW group member's low achievement ability, learning disability or emotional problems which are so severe that they prevent obtaining or retaining unsubsidized employment but which do not meet the criteria for eligibility for SSI under 42 USC 1381 to 1383d or social security disability insurance (SSDI) under 42 USC 401 to 433; or

2. Family problems so severe that they prevent the WNW group member from obtaining or retaining unsubsidized employment; or

(c) The adult WNW group members have made all appropriate efforts to find work and are unable to find employment because local labor market conditions preclude a reasonable job opportunity. In this paragraph, "reasonable job opportunity" means a job that pays the federal minimum wage prescribed in 29 USC 206(a)1, and meets the conditions under 45 CFR Part 251.

(4) **FINAL DECISION ABOUT EXTENDING.** The final decision regarding an extension of the period of eligibility for WNW benefits shall be made by the state on-site WNW manager and approved by the department.

(5) **PARTICIPATION REQUIREMENT.** A WNW group member in an additional WNW benefit eligibility period who is not exempt under s. HSS 207.11(1) shall participate in a supported work activity within the limits of his or her ability as determined by the department's division of vocational rehabilitation.

(6) **MONTHLY DETERMINATION OF ELIGIBILITY.** The case manager shall determine eligibility for additional WNW benefits on a monthly basis. The case management team shall provide intensive case management to the WNW group to encourage economic independence to the extent possible.

History: Cr. Register, September, 1995, No. 477, eff. 10-1-95.

HSS 207.22 Appeals. (1) **FAIR HEARINGS RELATED TO WNW BENEFITS.** (a) Any WNW applicant or recipient may ask for and shall receive a fair hearing under ch. HSS 225 in accordance with established procedures and consistent with s. 49.50 (8), Stats., and federal regulations at 45 CFR 205.10. An opportunity for a hearing shall be granted to any applicant who requests a hearing because his or her application for WNW benefits is denied or is not acted upon with reasonable promptness, and to any recipient who is aggrieved by any agency action resulting in reduction, discontinuance or termination of WNW benefits determined under s. HSS 207.10 or transitional benefits determined under s. HSS 207.20.

(b) The request for a fair hearing under the WNW demonstration project shall be in writing, shall be filed with the department's office of administrative hearings and shall be sent to that office so that it is received there within 45 days after the date of the notice under s. HSS 207.18 (3) (b). Prompt, definitive, and final administrative action shall be taken within 90 days from the date of the request for a hearing.

(2) **FAIR HEARINGS RELATED TO SUPPORTIVE SERVICES.** Requests for fair hearings related to the provision of supportive services under s. HSS 207.17 shall be determined under s. HSS 206.22.

Note: To request a hearing, write: Office of Administrative Hearings, P.O. Box 7875, Madison, Wisconsin 53707.

History: Cr. Register, September, 1995, No. 477, eff. 10-1-95.

HSS 207.23 Administration of WNW in nonpilot counties. (1) Except as provided in sub. (2), an economic support agency in a nonpilot county may not pay AFDC benefits to any person in a WNW group.

(2) If a WNW group moves to a nonpilot county, the economic support agency in the nonpilot county shall:

(a) Determine the eligibility of a WNW group member for AFDC under ch. HSS 201 without regard to s. HSS 207.09 (2);

(b) Determine the amount of AFDC benefits under ch. HSS 201 without regard to s. HSS 207.10 (1) (a);

(c) Issue food coupons in administering the food stamp program without regard to s. HSS 207.10 (1) (b);

(d) Adjust AFDC and food stamp benefits without regard to s. HSS 207.10 (2);

(e) Apply the limitations found in s. HSS 207.10 (3) to (5) and 207.21 for AFDC benefit payments determined under ch. HSS 201;

(f) Treat child support payments as provided in s. HSS 201.28 (13) without regard to s. HSS 207.10 (1) (a) 1. and (6);

(g) Administer the JOBS program under s. 49.193, Stats., and ch. HSS 206 and the food stamp employment and training program under s. 49.124, Stats., without regard to any of the provisions in ss. HSS 207.11 to 207.18 (3);

(h) Give priority for receipt of JOBS program services as provided under s. 49.193 (2) (b), Stats.; and

(i) Provide transitional child care services under s. HSS 207.20 (1), shelter payments under s. HSS 207.19 and transitional MA coverage under s. HSS 207.20 (2).

History: Cr. Register, September, 1995, No. 477, eff. 10-1-95.