



State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-1146/1
PJK:jld:ph

DOA:.....Grimsrud, BB0242 – Miscellaneous changes to W-2

FOR 2011-13 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau
HEALTH AND HUMAN SERVICES

WISCONSIN WORKS

The Wisconsin Works (W-2) program under current law provides work experience and benefits for low-income custodial parents who are at least 18 years old, as well as job search assistance to noncustodial parents who are required to pay child support, to minor custodial parents, and to pregnant women who are not custodial parents. W-2 is administered, generally, by W-2 agencies under contracts with DCF. This bill makes a number of miscellaneous changes to W-2, including the following:

1. Limiting the length of time during which a participant may participate in a trial job to three months and in a trial job placement to 24 months; limiting the length of time during which a participant may participate in a community service job to six months and in a community service job placement to 24 months; and limiting the length of time during which a participant may participate in a transitional placement to 24 months.

2. Providing that a participant in a community service job placement may be required to engage in certain job-related activities for up to 30 hours per week and in educational or training activities for up to ten hours per week and that a participant in a transitional placement may be required to engage in certain specified activities for up to 28 hours per week and in education or training activities for up to 12 hours per week.

3. Reducing the maximum monthly grant received by a participant in a community service job placement from \$673 to \$653 and by a participant in a transitional placement from \$628 to \$608.

4. Eliminating the requirement that DCF make certain determinations, such as whether good cause exists for a participant's failure to participate and that the services offered to a participant are appropriate for him or her, before determining that a participant is ineligible for three months to participate in W-2 due to a failure to participate in an assigned placement.

5. Eliminating the requirement that, before a participant who has refused to participate in an assigned placement loses eligibility for three months, he or she must be given a conciliation period during which he or she must participate in all assigned activities. The participant is still allowed a reasonable time, however, to rectify his or her deficiency and avoid the loss of eligibility.

6. Eliminating the requirement that, after a W-2 agency has provided written notice to a W-2 participant whose benefits are about to be reduced by at least 20 percent or whose eligibility is about to be terminated, the W-2 agency also must orally explain the proposed action.

The bill also eliminates the transitional jobs demonstration project, under which DCF provides wage subsidies to employers who employ eligible individuals. The demonstration project was to provide up to 2,500 transitional jobs in certain specified counties to low-income adults who are ineligible for W-2 or unemployment insurance benefits. The demonstration project was being conducted with federal moneys from the Temporary Assistance for Needy Families Emergency Fund under the American Recovery and Reinvestment Act of 2009.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 49.143 (2r) of the statutes is amended to read:

49.143 (2r) JOB PROGRAMS. A Wisconsin Works agency shall collaborate with the local workforce development board to connect individuals seeking employment with employment opportunities, including the trial job program under s. 49.147 (3) and, ~~if operating in the geographical area in which the Wisconsin Works agency administers Wisconsin Works, the transitional jobs demonstration project under s.~~ 49.162.

SECTION 2. 49.147 (3) (c) of the statutes is created to read:

49.147 (3) (c) *Time-limited participation.* A participant under this subsection may participate in a trial job for a maximum of 3 months, with an opportunity for a 3-month extension under circumstances determined by the Wisconsin Works agency. A participant may participate in more than one trial job, but may not exceed a total of 24 months of participation under this subsection. The months need not be consecutive. The department or, with the approval of the department, the Wisconsin Works agency may grant an extension of the 24-month limit on a case-by-case basis if the participant has made all appropriate efforts to find unsubsidized employment and has been unable to find unsubsidized employment because local labor market conditions preclude a reasonable job opportunity for that participant, as determined by a Wisconsin Works agency and approved by the department.

SECTION 3. 49.147 (4) (as) of the statutes is amended to read:

49.147 (4) (as) *Required hours.* Except as provided in pars. (at) and (av) and sub. (5m), a Wisconsin Works agency shall require a participant placed in a community service job program to work in a community service job for the number of hours determined by the Wisconsin Works agency to be appropriate for the participant at the time of application or review, ~~except that the~~ but not to exceed 30 hours per week. ~~Except as provided in pars. (at) and (av), a Wisconsin Works agency may not require a participant under this subsection to spend more than 40 hours per week in combined activities under this subsection~~ participate in education or training activities for not more than 10 hours per week.

SECTION 4. 49.147 (4) (b) of the statutes is created to read:

49.147 (4) (b) *Time-limited participation.* An individual may participate in a community service job for a maximum of 6 months, with an opportunity for a 3-month extension under circumstances approved by the department. An individual

may participate in more than one community service job, but may not exceed a total of 24 months of participation under this subsection. The months need not be consecutive. The department or, with the approval of the department, the Wisconsin Works agency may grant an extension to the 24-month limit on a case-by-case basis if the Wisconsin Works agency determines that the individual has made all appropriate efforts to find unsubsidized employment and has been unable to find unsubsidized employment because local labor market conditions preclude a reasonable employment opportunity in unsubsidized employment for that participant, as determined by a Wisconsin Works agency and approved by the department, and if the Wisconsin Works agency determines, and the department agrees, that no trial job opportunities are available in the specified local labor market.

SECTION 5. 49.147 (5) (b) (intro.) of the statutes is renumbered 49.147 (5) (b) 1. (intro.) and amended to read:

49.147 (5) (b) 1. (intro.) The Wisconsin ~~works~~ Works agency shall assign a participant under this subsection to work activities such as a community rehabilitation program, as defined by the department, a job similar to a community service job, or a volunteer activity. A Wisconsin ~~works~~ Works agency may require a participant under this subsection to participate in any of the following:

SECTION 6. 49.147 (5) (b) 1m. of the statutes is renumbered 49.147 (5) (b) 1. a. and amended to read:

49.147 (5) (b) 1. a. An alcohol and other drug abuse evaluation, assessment, and treatment program.

SECTION 7. 49.147 (5) (b) 2. of the statutes is created to read:

49.147 (5) (b) 2. An individual may participate in a transitional placement for a maximum of 24 months. The months need not be consecutive. This period may be extended on a case-by-case basis by the department or by the Wisconsin Works agency with the approval of the department.

SECTION 8. 49.147 (5) (b) 2m. of the statutes is renumbered 49.147 (5) (b) 1. b.

SECTION 9. 49.147 (5) (b) 3. of the statutes is renumbered 49.147 (5) (b) 1. c.

SECTION 10. 49.147 (5) (b) 4. of the statutes is renumbered 49.147 (5) (b) 1. d. and amended to read:

49.147 (5) (b) 1. d. Other activities that the Wisconsin ~~works~~ Works agency determines are consistent with the capabilities of the individual.

SECTION 11. 49.147 (5) (bs) of the statutes is amended to read:

49.147 (5) (bs) *Required hours.* Except as provided in par. (bt) and sub. (5m), a Wisconsin Works agency may require a participant placed in a transitional placement to engage in activities under par. (b) ~~1m. to 4.~~ The 1. for up to 28 hours per week. Except as provided in sub. (5m), a Wisconsin Works agency may not require a participant under this subsection to spend more than 40 hours per week in combined activities under this subsection participate in education or training activities under par. (bm) for not more than 12 hours per week.

SECTION 12. 49.148 (1) (b) 1. of the statutes is amended to read:

49.148 (1) (b) 1. Except as provided in subd. 1m., for a participant in a community service job under s. 49.147 (4), a monthly grant of \$~~673~~ \$653, paid by the Wisconsin ~~works~~ Works agency. For every hour that the participant misses work or education or training activities without good cause, the grant amount shall be reduced by \$5.15. Good cause shall be determined by the financial and employment planner in accordance with rules promulgated by the department. Good cause shall

include required court appearances for a victim of domestic abuse. If a participant in a community service job under s. 49.147 (4) is required to work fewer than 30 hours per week because the participant has unsubsidized employment, as defined in s. 49.147 (1) (c), the grant amount under this paragraph shall equal the amount specified under subd. 1m. minus \$5.15 for each hour that the participant misses work or education or training activities without good cause.

SECTION 13. 49.148 (1) (b) 1m. d. of the statutes is amended to read:

49.148 (1) (b) 1m. d. For a participant placed in a community service job for more than 20 hours per week, ~~\$673~~ \$653.

SECTION 14. 49.148 (1) (b) 3. of the statutes is amended to read:

49.148 (1) (b) 3. For a participant in a community service job who participates in technical college education under s. 49.147 (5m), a monthly grant of ~~\$673~~ \$653, paid by the Wisconsin ~~works~~ Works agency. For every hour that the participant misses work or other required activities without good cause, the grant amount shall be reduced by \$5.15. Good cause shall be determined by the financial and employment planner in accordance with rules promulgated by the department. Good cause shall include required court appearances for a victim of domestic abuse.

SECTION 15. 49.148 (1) (c) of the statutes is amended to read:

49.148 (1) (c) *Transitional placements.* For a participant in a transitional placement under s. 49.147 (5) or in a transitional placement and in technical college education under s. 49.147 (5m), a grant of ~~\$628~~ \$608, paid monthly by the Wisconsin Works agency. For every hour that the participant fails to participate in any required activity without good cause, including any activity under s. 49.147 (5) (b) ~~1m. to 4.~~ 1. a. to d., the grant amount shall be reduced by \$5.15. Good cause shall be determined by the financial and employment planner in accordance with rules

promulgated by the department. Good cause shall include required court appearances for a victim of domestic abuse.

SECTION 16. 49.148 (1m) (c) (intro.) of the statutes is amended to read:

49.148 **(1m)** (c) (intro.) For purposes of the time ~~limit~~ limits under s. ss. 49.145 (2) (n) and 49.147 (3) (c), (4) (b), and (5) (b) 2., all of the following apply:

SECTION 17. 49.148 (4) (b) of the statutes is amended to read:

49.148 **(4)** (b) The Wisconsin Works agency may require an individual who tests positive for use of a controlled substance under par. (a) to participate in a drug abuse evaluation, assessment, and treatment program as part of the participation requirement under s. 49.147 (4) ~~(a) and (am)~~ (as) or (5) ~~(b) and (bm)~~ (bs).

SECTION 18. 49.151 (1) (b) of the statutes is amended to read:

49.151 **(1)** (b) The participant, or an individual who is in the participant's Wisconsin Works group and who is subject to the work requirement under s. 49.15 (2), fails, without good cause, as determined by the Wisconsin Works agency, to appear for an interview with a prospective employer or, if the participant is in a Wisconsin Works transitional placement, the participant fails to appear for an assigned activity, including an activity under s. 49.147 (5) (b) ~~1m. to 4. 1. a. to d.,~~ without good cause, as determined by the Wisconsin Works agency.

SECTION 19. 49.1515 (title) of the statutes is amended to read:

49.1515 (title) **Determining nonparticipation without good cause.**

SECTION 20. 49.1515 (2) of the statutes is repealed.

SECTION 21. 49.1515 (3) of the statutes is repealed.

SECTION 22. 49.153 (1) (am) of the statutes is repealed.

SECTION 23. 49.153 (1) (bm) of the statutes is renumbered 49.153 (1) (a) and amended to read:

49.153 (1) (a) ~~After providing the explanation under par. (am), provide~~ Provide to the participant written notice of the proposed action and of the reasons for the proposed action.

SECTION 24. 49.153 (1) (c) of the statutes is amended to read:

49.153 (1) (c) ~~After providing the explanation or the attempts to provide an explanation under par. (am) and the notice under par. (bm), if the participant has not already been afforded a conciliation period under s. 49.1515 (3) (a), allow the participant a reasonable time to rectify the deficiency, failure, or other behavior to avoid the proposed action.~~

SECTION 25. 49.153 (2) of the statutes is amended to read:

49.153 (2) **RULES.** The department shall promulgate rules that establish procedures for the notice ~~and explanation~~ under sub. (1) (a) and that define “reasonable attempts” for the purpose of sub. (1) ~~(am)~~ and “reasonable time” for the purpose of sub. (1) (c).

SECTION 26. 49.162 of the statutes, as affected by [2009 Wisconsin Act 333](#), is repealed.

SECTION 27. 106.14 (2) of the statutes is amended to read:

106.14 (2) The department shall publicize and maintain on its job center Web site information related to the job ~~programs under ss.~~ program under s. 49.147 (3) and 49.162 so that employers and individuals seeking employment may obtain information about the ~~programs~~ program, including how to participate in them ~~it~~.

SECTION 28. [2009 Wisconsin Act 333](#), section 20 (2) is amended to read:

[[2009 Wisconsin Act 333](#)] Section 20 (2) PUBLISH NOTICE IN THE WISCONSIN ADMINISTRATIVE REGISTER THAT FUNDING IS NOT AVAILABLE. If, after making the determination under subsection (1m), the department of children and families

determines that federal moneys from the Temporary Assistance for Needy Families Emergency Fund under the American Recovery and Reinvestment Act of 2009 are no longer available to support an expansion of trial jobs under section 49.147 (3) of the statutes, as affected by this act, and the project under section 49.162 of the statutes, as affected by this act, the department shall publish a notice in the Wisconsin Administrative Register that states the date on which the federal moneys may no longer be obtained.

SECTION 29. 2009 Wisconsin Act 333, section 20 (5) is amended to read:

[2009 Wisconsin Act 333] Section 20 (5) ADDITIONAL FUNDING FOR PROGRAMS. If any other federal funding becomes available for the programs program under sections section 49.147 (3) and 49.162 of the statutes, as affected by this act, the department of children and families shall take any actions that may be necessary to obtain the funding and use it for those programs that program.

SECTION 30. 2009 Wisconsin Act 333, section 22 (2) is amended to read:

[2009 Wisconsin Act 333] Section 22 (2) The repeal of sections section 49.147 (3) (cm) and (dm) and 49.162 (3) (am) and (d) of the statutes and the amendment of sections section 49.147 (3) (a) (by SECTION 4) and 49.162 (3) (a) (by SECTION 10) of the statutes take effect on the date stated in the notice published by the department of children and families under SECTION 20 (2) of this act.

SECTION 9308. Initial applicability; Children and Families.

(1) MISCELLANEOUS WISCONSIN WORKS PARTICIPATION CHANGES. The treatment of sections 49.147 (3) (c), (4) (as) and (b), and (5) (b) (intro.), 1m., 2., 2m., 3., and 4. and (bs), 49.148 (1) (b) 1., 1m. d., and 3. and (c), (1m) (c) (intro.), and (4) (b), 49.151 (1) (b), 49.1515 (title), (2), and (3), and 49.153 (1) (am), (bm), and (c) and (2) of the statutes

first applies to individuals participating in Wisconsin Works on the effective date of this subsection.

(END)