



MEMORANDUM

TO: Honorable Members of the Senate Committee on Economic and Workforce Development

FROM: Sarah Diedrick-Kasdorf, Director of Outreach & Member Engagement
Chelsea Fibert, Government Affairs Associate

DATE: February 9, 2022

SUBJECT: Opposition to Senate Bill 902, Senate Bill 905, and Senate Bill 912

The Legislature's *Stronger Workforce* initiative includes three bills that will have a significant impact on the state's county-operated income maintenance consortia.

Senate Bill 902: Requires the Department of Health Services (DHS) to enforce work requirements on able-bodied adults without dependents; the FSET requirement on able-bodied adults; and the drug screening, testing, and treatment requirements.

Senate Bill 905: Prohibits DHS from automatically renewing the eligibility of a recipient for Medical Assistance (MA) program benefits. DHS must determine an individual's eligibility every six months under the bill. Additionally, any recipient of Medical Assistance benefits that fails to timely report to DHS or its designee any change that may affect eligibility is ineligible for benefits for six months. The bill also requires DHS to promptly remove from eligibility for the Medical Assistance program any individual who has been determined to be ineligible for the program. The bill also requires quarterly reports on eligibility status if the bill's implementation affects enhanced federal financial participation.

Senate Bill 912: Adds to prohibited conduct for MA eligibility knowingly failing to accept an offer of legal, paid employment and knowingly failing to accept an increase in paid work hours or wages to maintain eligibility for MA benefits.

With the exception of cases in Milwaukee County, all of the eligibility work required in this set of bills will be conducted by our 10 county-operated income maintenance consortia. The workload increases associated with these bills is significant. For example, Senate Bill 905 requires MA eligibility to be determined every six months, as opposed to

every 12 months under current law. That provision alone doubles the eligibility work associated with the MA program. If quarterly reports must be submitted to DHS that workload could actually quadruple. Counties raised concerns about the increased costs associated with FSET work requirements and drug testing when those provisions were first proposed.

These three bills fail to recognize the workload increases on income maintenance consortia and in so doing, fail to provide the resources income maintenance consortia will need to implement the program changes contained in Senate Bills 902, 905, and 912.

The state provides the 10 income maintenance consortia with funding to perform eligibility determinations for Wisconsin's economic support programs through the income maintenance administration allocation (IMAA). Historically, IMAA funding levels have not kept pace with the work involved in processing and managing FoodShare and Medical Assistance cases. In fact, county levy invested in economic support programs is greater than the state's GPR investment – in 2017, the state invested \$17.7 million GPR while county levy investment was over \$30 million. The 2021-23 state biennial budget proposed by the Governor contained increased funding for the IM consortia to cover projected workload increases due to significantly increasing caseloads. Unfortunately, the Legislature rejected the Governor's increase, causing IM consortia to bear an even greater percentage of costs. Counties simply do not have the levy capacity to fund the increased costs associated with these three bills.

Therefore, due to the failure to fund the increased workload for IM consortia, the Wisconsin Counties Association respectfully requests your opposition to Senate Bill 902, Senate Bill 905, and Senate Bill 912.

Thank you for considering our comments.



WISCONSIN CATHOLIC CONFERENCE

TO: Members, Senate Committee on Economic and Workforce Development

FROM: Barbara Sella, Associate Director for Respect Life and Social Concerns

DATE: February 9, 2022

RE: Senate Bills 902, 905, & 912, FoodShare and Medicaid Continuing Eligibility

On behalf of the Catholic bishops of Wisconsin, we respectfully urge you to oppose Senate Bills 902, 905, and 912, which limit access to programs that allow vulnerable persons to receive medical care and food assistance. Now, more than ever, we must ensure that people have the resources necessary to recover from the ongoing pandemic.

The WCC has opposed efforts to condition food or health care supports upon a person's productivity. Public assistance programs exist to aid vulnerable individuals and families whose situation prevents them from being able to meet basic needs. Frequently, those who most need FoodShare and Medicaid benefits are facing a myriad of challenges, some of which may be lifelong. Addiction, trauma, illness, accidents, and the loss of family, housing, or employment can all stymie efforts to build stability. The goal of these programs is to accompany vulnerable individuals so they can move out of poverty.

Today, we all have experienced the universal challenge of a pandemic and many continue to face heightened uncertainty. Employees do not know how or when their work will be interrupted by infections in their home or workplace. Many are experiencing the long-term effects of COVID-19 and families are dealing with the loss of loved ones. Finally, all are experiencing heightened food, heating, and other costs associated with widespread inflation.

Senate Bill 902. In response to the pandemic, the State of Wisconsin suspended efforts to enforce FoodShare work requirements and did not seek further implementation of drug testing and FoodShare Employment and Training (FSET) requirements. The pandemic is still with us, so it is appropriate that these suspensions continue. It is also worth noting that our Catholic food pantries, Society of St. Vincent de Paul Conferences, and other charities across the state assist families in need, regardless of health condition, drug addiction, or employment status. These charitable agencies have learned that underlying and untreated mental health issues often prevent individuals from seeking and maintaining work and lead them to self-medicate with drugs and alcohol. Senate Bill 902 would require that these individuals, struggling to return to normalcy, dedicate further time, transportation, and resources towards compliance with drug testing, treatment, and FSET requirements.

Before the pandemic, effective trauma-informed drug treatment programs were too few, but current access to treatment, especially in-person treatment, has been further limited by the

pandemic. Times of stress can foster relapses, making successful participation in FSET more difficult. In a time of rising food costs and uncertainty, we must remove, not increase, these impediments to alleviating hunger.

Senate Bills 905 and 912. In a similar way, Senate Bills 905 and 912 make it more difficult to retain health care coverage during the pandemic. Senate Bill 905 would require that the Wisconsin Department of Health Services (DHS) determine an individual's eligibility every six months. Currently, most Medicaid recipients must complete a program renewal at least once a year to determine ongoing program eligibility.

Health care is a basic human right and access to health care for all has been a policy goal of the U.S. bishops since 1919. It is important to remember that those who currently receive Medicaid are individuals who are elderly, blind, disabled, pregnant, with chronic conditions or diseases, children and their parents, or individuals living in poverty. By definition they are in need of services and do not have access to the resources necessary to receive treatment and medications without Medicaid. These are individuals and families who are likely struggling to meet home and transportation expenses, as well as meeting the basic needs of their loved ones. They frequently must transition from one home to another, as well as from one employment situation to another, changing addresses, phone numbers, and earnings along the way.

Without the follow-up and case management needed to help Medicaid recipients better assess how to exit poverty and manage the demands of daily life, repeated six-month eligibility reviews become administratively burdensome to both the State and Medicaid participants. The requirement will lead to missed deadlines, appointments, treatments, and medications, rather than a meaningful path towards self-improvement. Many will not even realize that their coverage has lapsed until care is needed.

Senate Bill 912 would punish able-bodied, adult Medicaid participants up to age 65 who do not accept an offer of legal, paid employment or an offer of increased work hours or wages. There is no accounting for when those hours are scheduled, the benefits that may accompany the offer, or whether it is a position that offers any kind of long-term advancement. There is no exception for those who may have retired spouses living at home who do not meet the definition of being "dependent," but may still require greater attention and care. Senate Bill 912 does not acknowledge those who might not be able to hazard the added anxiety or responsibility that comes with increased hours and wages. Still others may be coping with life-limiting conditions or progressive illnesses and may wish to opt for less than a 40-hour workweek.

Under both SB 905 and SB 912, a failure to disclose information in a timely manner can result in a six-month suspension from the Medicaid program. In effect, these bills will force individuals to place immediate employment considerations above family and health commitments and long-term employment strategies. These bills place productivity above individual health and family responsibility and force vulnerable people to take the best short-term offer placed in front of them, regardless of other considerations.

Finally, it is important to note the impact all three bills will have on private charitable actors. Depriving the poorest among us of needed food and health care will only shift the burden to the

hundreds of private charities, Catholic and other, which are already overwhelmed. While as Catholics we stand ready to serve the common good, we cannot be expected to serve more with less.

In conclusion, reforming public assistance programs so as to reduce poverty and dependency requires the involvement of government and the private sector working cooperatively. Reforms must ensure that people in poverty do not become targets, but rather that they receive the supports and services appropriate to their needs. Self-sufficiency and self-determination require that those in poverty be listened to and respectfully engaged. Overly bureaucratic and punitive measures to reduce fraud and encourage responsibility all too often have the opposite effect of deepening hopelessness and further impoverishing the most vulnerable. The problem of poverty requires a holistic approach, something that our Catholic Charities agencies and Society of St. Vincent de Paul councils are adept at doing. Everyone has an interest in reducing drug dependency, improving health, and encouraging labor force participation. We urge you not to tie the hands of our state's most vulnerable individuals by enacting laws that limit their recovery, but instead work together to improve the lives of all of Wisconsin's residents.

Thank you.



PATRICK TESTIN

STATE SENATOR

DATE: February 9th, 2022

RE: **Testimony on 2021 Senate Bill 902**

TO: The Senate Committee on Economic and Workforce Development

FROM: Senator Patrick Testin

Thank you Chairman Feyen and members for the opportunity to speak today in support of Senate Bill 902 (SB 902).

Since I took office, I've tried to work at least one day per month with a business in my district. I do this to demonstrate the variety of prospects in Central Wisconsin and to see for myself the challenges and opportunities that businesses are facing. In January, I worked at Pointe Precision, a growing manufacturer located in Plover. This company offers good wages and working conditions, yet they continue to struggle to find workers. This is not an isolated incident.

Companies across the state are making it known that we're facing a workforce shortage – but Wisconsin's Department of Health Services (DHS) continues to waive the rules surrounding FoodShare. This isn't right.

SB 902 requires DHS to enforce work requirements for those who are able to work that were codified in 2017 Act 370.

Further, this legislation removes DHS's ability to waive these requirements without either complying with the current law process or submitting a waiver proposal to the Joint Committee on Finance.

With businesses around the state clamoring for workers, Wisconsin can't afford to pay people not to work.

LEGAL ACTION OF WISCONSIN

Providing free legal services to low-income Wisconsin clients since 1968 • Proporcionando servicios legales gratuitos a clientes de bajos ingresos en Wisconsin desde 1968

TO: Senate Committee on Economic and Workforce Development
FROM: Abby Bar-Lev Wiley, Legislative Director, Legal Action of Wisconsin
RE: Impact of SB 902/AB 935 on Legal Action's Clients
DATE: February 9, 2022

Thank you for the opportunity to provide comments on AB 935/SB 902. Legal Action of Wisconsin (LAW) is the largest non-profit law firm providing high-quality, free civil legal aid to low-income people in 39 of Wisconsin's southern counties. Our broad reach and expertise means that we see what poverty looks like over a wide swath of the state, from urban and rural areas, from farmworkers to construction workers. One of our priority areas focuses on helping clients secure and maintain the government benefits necessary to meet their most basic needs including food, shelter, health, and income. Legal Action has serious concerns about how AB 935/SB 902 would impact our low-income clients.

AB 935/SB 902 Would Harm Legal Action's Clients and Make it Harder to Rejoin the Workforce

AB 935/SB 902 would require DHS to immediately reinstate the work requirement and employment and training program that have been waived during the pandemic, as well as immediately implement the FSET, or drug testing, requirement for eligibility in FoodShare. People are still getting sick with Covid. They are experiencing job losses or cuts or missed days due to Covid, or taking care of family members who are sick with Covid or quarantining due to exposures. This bill would make it harder for our clients who are barely hanging on by a thread to access benefits they need to be able to afford food and avoid going hungry. The goal of FoodShare Wisconsin is to help stop hunger and to improve nutrition and health by helping people in poverty get the food they need. By making it harder for people to receive Foodshare benefits, AB 935/SB 902 directly contradict the purpose of the program.

Not only would this bill be bad for people with low incomes, it would hurt the economy. When people go hungry, it makes it harder to be able to find and obtain work. In a study by Feeding America, 67% of people who were hungry had to choose between food and transportation, and 57% had to choose between food and housing.¹ In Wisconsin, most people rely on their cars or buses to get to job interviews, but losing FoodShare benefits would mean not being able to afford bus fare or car payments for many low-income people. And housing instability can spiral someone deeper into poverty with an increasing need for reliance on public benefits. Requiring DHS to implement FSET immediately and reinstate the work requirement and employment and training program, people who need FoodShare to avoid hunger will find themselves kicked off of the program, despite their best efforts to comply. As a result, there will be a greater reliance on public benefits as individuals struggle with the impacts of hunger.

¹ Feeding America, *Compromises and Coping Strategies* (2014), <https://www.feedingamerica.org/hunger-in-america/impact-of-hunger>.

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AB 935/SB 902 is Legislative Overreach that Hinders DHS From Doing its Job Properly

This bill represents legislative overreach into an arena where the DHS is best suited. The Department of Health Services is staffed by experts with deep experience in how to best implement programs that serve Wisconsinites in need and promote the economy. The Secretary-designee of DHS previously directed the Population Health Institute at the University of Wisconsin School of Medicine and Public Health, the Deputy Secretary was previously regional President of the North Region of Ascension Wisconsin, and the Assistant Deputy Secretary has an expertise in policy advocacy and health care. The decision around implementation of requirements impacting public benefits must be made carefully and deliberately, and would best be left to DHS. When the legislature overreaches, Legal Action's clients are the ones who suffer.

While low-income people are still struggling with the economic impacts of the pandemic, AB 935/SB 902 would pull yet another rug out from under their feet.

Thank you for your consideration.

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February 8, 2022

Chair Dan Feyen and The Hon. Committee Members
The Senate Economic and Workforce Development Committee
c/o: Tim Lakin, Committee Clerk
State Capitol
PO Box 7882
Madison, WI 53707

Re: SB 902 FoodShare work and FoodShare employment and training requirements and drug testing.

Dear Chair and Members of the Economic and Workforce Development Committee:

I am writing on behalf of Feeding Wisconsin to share our positions on AB 935 – that will be heard in committee on February 8, 2022.

Feeding Wisconsin is the state association of the six regional Feeding America affiliated food banks that provide food to almost 1,000 local food programs in all 72 counties of the state. Together, Feeding Wisconsin's network provided 86 million pounds of food to Wisconsinites in every corner of our state in 2021, an increase of 75% over 2019. Through our food banks and food pantries, we work to ensure that everybody has access to the food and benefits they need to work, learn, play and live healthy lives.

Before the pandemic, food insecurity levels were the lowest they had been in 20 years, yet 515,930 Wisconsinites experienced hunger. COVID-19 increased the need for food resources. Federal and State nutrition programs and food distribution and programs of our network's food banks and pantries helped to mitigate food insecurity rates. Feeding America estimated that in CY2021, 605,650 Wisconsinites or 10.4% experienced food insecurity.¹ And about 40% of those coming through our pantries and mobile distribution lines have never relied on the emergency food network before.²

We oppose AB 935 which would remove the state's ability to suspend the work requirement and require drug testing for FoodShare applicants.

FoodShare is the Wisconsin name for the Supplemental Nutrition Assistance Program (SNAP, formerly food stamps), a federal nutrition assistance program that provides individuals and families living with low and no incomes with a modest monthly benefit (about \$268 per month per household at a time where there emergency allotments due to the Public Health Emergency Order³) to buy food at supermarkets, farmers markets, convenience stores, and retail stores that sell groceries. These benefits are delivered on an EBT card and are strictly monitored by the state that administers the program, the federal government that authorizes the program, and the major banks that facilitate the benefit delivery.

FoodShare recipients are comprised of approximately 39% children. 45% of assistance groups or households have at least one member that is elderly, blind or disabled. We know that in large part, those who are able to work, do work, oftentimes low wage jobs. We also know that FoodShare recipients do not represent a population more likely to use drugs.

¹ <https://www.feedingamerica.org/about-us/press-room/local-food-insecurity-projections>

² https://feedingwi.org/data_research/covidpulsesurvey.php

³ <https://www.dhs.wisconsin.gov/foodshare/ataglance202112.pdf>

FoodShare Work Requirements

This bill will require the Wisconsin Department of Health Services to end the suspension of the Able-Bodied Adults Without Dependents (ABAWD) work requirements—a three month time limit for childless adults who are working fewer than 80 hours per month. DHS currently has federal approval to exempt able-bodied adults without dependents (ABAWDs) FoodShare members from the work requirement time limits for federal fiscal year 2022 (October 1, 2021-September 30, 2022).⁴

While we know that for those who can work, a good paying job with enough hours is the best path to ending hunger, FoodShare is not a jobs program. It is a nutrition program that supports people, providing them with a voucher for food to supplement their income to meet basic adequate nutrition. We also know that mandating work requirements, especially as we are still recovering from the pandemic, does not address the real challenges that many of our neighbors face when trying to engage with the labor and training market, such as access to affordable, quality childcare and transportation.

For the ABWADs who are out of work, many are often dealing with some of the hardest circumstances in life, such as chronic homelessness, undiagnosed medical conditions, or mental disorders. These circumstances make them extremely hard to reach with services.

While the economy may be recovering now, this legislation would eliminate the Governor's authority to respond to tough economic times and would eliminate any ability to temper the effects of a new recession or economic downturn in any part of the state. We need to ensure that when the next crisis hits and many people suddenly find themselves out of work, not working enough hours, or living in a community where good jobs are no longer available, that FoodShare is available to provide the nutrition individuals need to get back on their feet and lead a healthy and productive lives.

Drug Testing Requirement for FoodShare eligibility

This bill will also make drug testing a requirement for FoodShare eligibility. Currently, Wisconsin already tests people with past felony drug convictions as a condition to receive FoodShare benefits, and so this provision is redundant and ineffective in addressing the need for treatment of those addicted to drugs. The proposal to drug test FoodShare applicants creates unnecessary barriers for individuals and state and county administrators in the application process.

Drug testing is expensive. Current estimates of the cost of drug-testing programs range from \$92,500 to \$20 million.⁵ The cost does not include additional administrative costs for worker time, increased ABAWD visits to the welfare offices, scheduling, collecting, and processing drug screens and tests. A reduction in caseloads that states expect to occur upon implementation of drug-testing does not necessarily produce a net savings for states.⁶

When Governor Walker's proposed drug testing of SNAP applicants and recipients, his administration estimated that a small fraction of the program's applicants, about 220, or 0.3 percent, of the 67,400 ABAWDs at that time, would actually test positive. Given the average current benefit amount of \$263, with these estimated 220 individuals no longer receiving benefits, that would be a benefit savings of \$44,660. The math just doesn't make sense.

Drug testing is inaccurate because urine screens cannot distinguish between the use of illegal drugs and

⁴ <https://www.dhs.wisconsin.gov/dms/memos/ops/21-21.pdf>

⁵ U.S. Department of Health and Human Services, Office of the Assistant Secretary for Planning and Evaluation. (2011). *Drug testing welfare recipients: Recent proposals and continuing controversies*. Retrieved from <http://aspe.hhs.gov/hsp/11/DrugTesting/ib.pdf>

⁶ *Ibid.*

the legitimate use of certain prescriptions and over-the-counter medications.⁷

Drug testing is difficult to implement because it requires additional staff time to administer the tests, and to monitor compliance and eligibility.¹¹ It also requires modifying facilities to accommodate the testing, and modifying computer programs to include drug testing in the eligibility process, all of which increase costs to the states, which are not included in the standard price of the drug test.⁸

Drug testing increases government inefficiency because drug testing requirements complicate application forms and procedures and lengthen the eligibility process in public offices where case backlogs already exist.

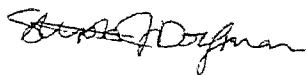
Drug testing is currently illegal under federal law. Drug testing as a requirement for SNAP is only permissible when a state opts to allow those with certain drug felony convictions to receive SNAP benefits, in which case the state may impose certain restrictions, such as a drug test, upon those applicants. Currently, Wisconsin already tests people with past felony drug convictions as a condition to receive FoodShare benefits. Drug testing other FoodShare applicants is not allowed under federal law and is, therefore, illegal. This is because federal law does not permit states, except under the limited circumstance noted above, to add a requirement to the eligibility screening for SNAP benefits.⁹

Drug testing prevents eligible families from seeking public assistance because they are deterred by the stigma of taking a drug test. In states where TANF applicants are required to pay for their own drug tests, the cost could be prohibitive and many people may not apply for benefits simply because they cannot afford it.¹³ In many states, the real result of drug testing is that individuals drop out of the program not because of a positive drug test, but due to failure to take the test in the first place. In Utah, 25% of individuals did not take a drug test. The lack of transportation, funds to pay for a test, notification issues (e.g. failure to receive notice and reach transient populations) and personal objections to a drug test all contributed to citizens losing for assistance.

Finally, these proposals perpetuate a negative stereotype of the people who utilize our services, a vast majority of whom are working hard trying to get back on their feet. If you have ever come to one of our food pantry distributions or seen one of our FoodShare outreach specialists helping someone apply for benefits, you would see that those seeking food and benefits for food are hardworking and resilient, and just trying to get some help to weather the hard times in their lives. As many individuals are getting back in the workforce and stabilizing their lives after the hardship brought on by the pandemic, this is no time to push for policy that creates additional barriers to allowing individuals to access the food they need.

Thank you for your time and careful consideration of our position on SB 905. Please do not hesitate to contact me at sdorfman@feedingwi.org or 608-960-4517 if you have any questions.

Sincerely,



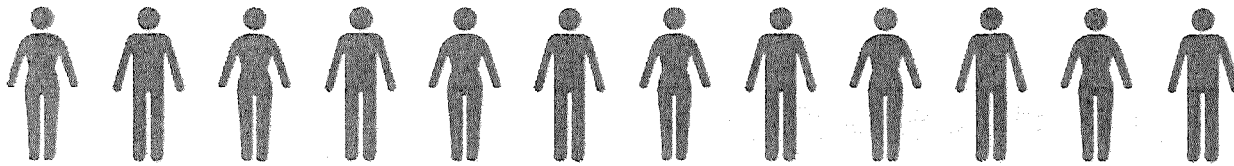
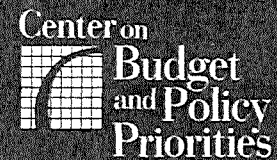
Stephanie Jung Dorfman
Executive Director
Feeding Wisconsin

⁷ U.S. Department of Health and Human Services, Office of the Assistant Secretary for Planning and Evaluation. (2011). *Drug testing welfare recipients: Recent proposals and continuing controversies*. Retrieved from <http://aspe.hhs.gov/hsp/11/DrugTesting/ib.pdf>

⁸ *Ibid.*

⁹ Food and Nutrition Act of 2008, 7 U.S.C § 2014(b) (2008); Food and Nutrition Service, USDA Certification of Eligible Households, 7 C.F.R. §273.2(a) (2011)

SNAP Helps 1 in 12 Workers in Wisconsin Put Food on the Table



SNAP, called FoodShare in Wisconsin, plays a crucial role in helping workers in low-paying jobs afford a basic diet in Wisconsin. Roughly 238,500 Wisconsin workers live in households that participated in FoodShare in the last year, Census data show.

Millions of Americans work in jobs with low wages, inconsistent schedules, and no benefits such as paid sick leave – all of which contribute to high turnover and spells of unemployment. Many of these workers get help putting food on the table through FoodShare.

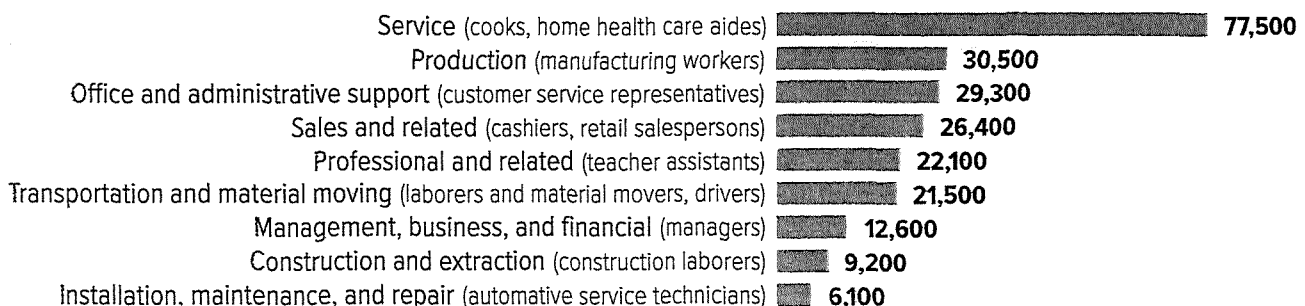
FoodShare Helps Workers:

- ✓ **Who earn low wages.**
FoodShare boosts low wages to help workers afford adequate food.
- ✓ **Who have unpredictable schedules.**
FoodShare benefits help smooth out variable income for workers whose paychecks rise and fall as their hours change.
- ✓ **Who are between jobs.**
FoodShare helps workers without paid sick leave or other benefits, which can cause them to lose income or employment when they have a family crisis.

Wisconsinites Participating in FoodShare Most Commonly Work in Service, Production, and Office Jobs

In Wisconsin, workers who participate in FoodShare most commonly work in service occupations, such as cooks or home health care aides, production occupations, such as manufacturing workers, and office and administrative support occupations, such as customer service representatives.

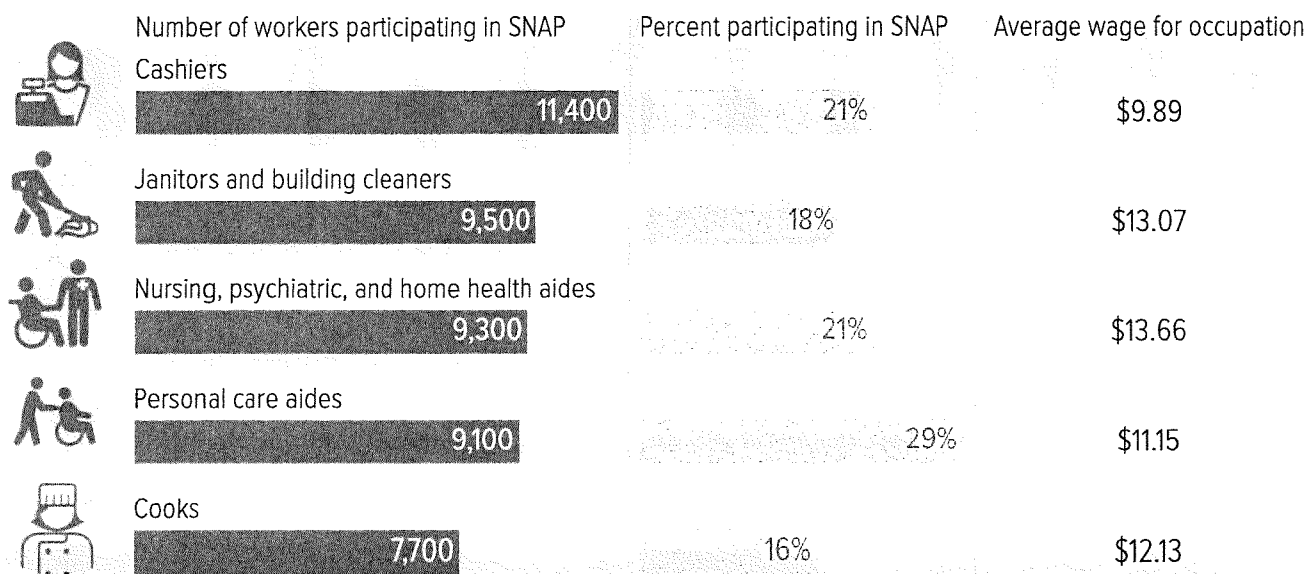
Wisconsinites Participating in FoodShare Most Commonly Work in Service, Production, and Office Jobs



Working Wisconsinites Participating in FoodShare Typically Have Jobs With Low Wages

For example, some of the top occupations among Wisconsinites participating in FoodShare have average hourly wages far below the state average of \$22.24 in 2017.

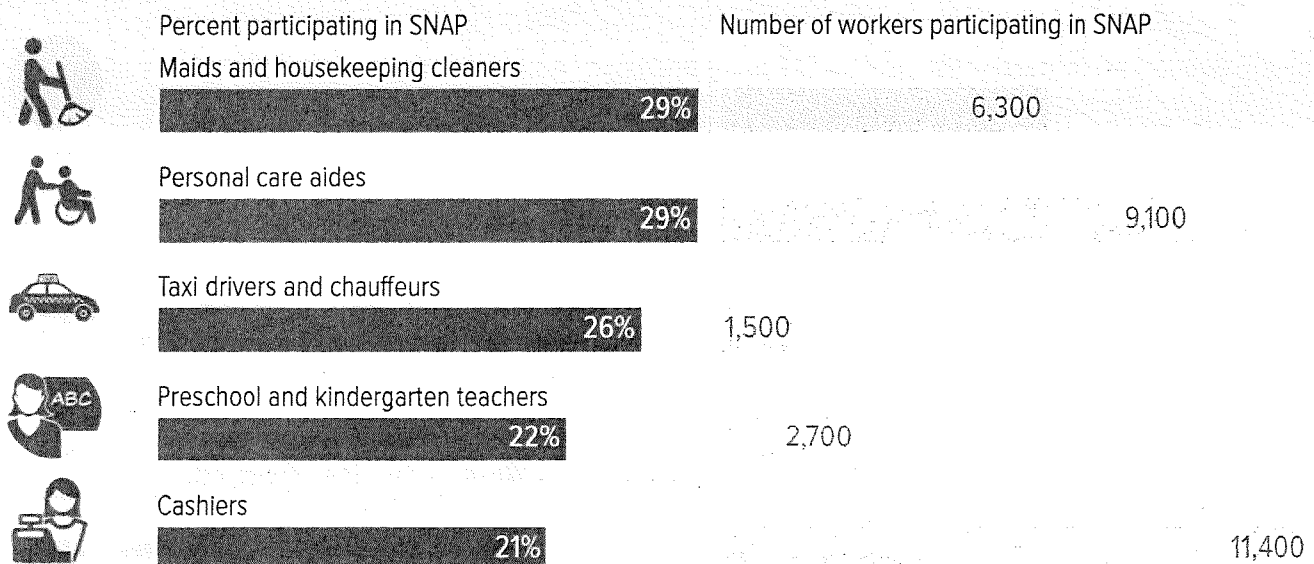
Top Occupations Among Wisconsinites Participating in FoodShare by Number of Workers



In Some Occupations, a Large Share of Workers Participate in FoodShare

Workers in many of these jobs often earn low wages or work fewer or less consistent hours than they would like, so FoodShare provides essential support. Over one-quarter of maids and housekeeping cleaners, personal care aides, and taxi drivers and chauffeurs, and over one-fifth of preschool and kindergarten teachers and cashiers participate in FoodShare.

Top Occupations in Wisconsin by Percentage of Workers Participating in FoodShare



For more state data and source information, see “Workers From a Wide Array of Occupations Use SNAP,” <https://www.cbpp.org/research/food-assistance/interactive-workers-from-a-wide-array-of-occupations-use-snap>.



Testimony in Support of Senate Bill 902

February 9, 2022

Chase Martin
Visiting Fellow
Opportunity Solutions Project

Wisconsin works. That is not a catchy slogan. It is a fact. With a labor force participation rate of more than 66 percent, Wisconsin works at a higher rate than the rest of America.

But here's another fact—Wisconsin used to work more. The labor force participation rate was once more than 74 percent (in 1997) and has been steadily declining for the last two decades, long before a worker shortage took over our political debate.

And let me be clear—this isn't a matter of getting frustrated when a drive-thru is closed and we can't get coffee in the morning because there aren't enough workers. This is a matter of driving through whole communities across Wisconsin that are closing down because the ethic of work—the expectation of work—is failing.

So, here's the bottom line: Wisconsin needs to use every tool at its disposal to get folks back to work, to rebuild those communities, and to remind America how Wisconsin works.

And that begins by using every tool available in welfare programs to get able-bodied welfare enrollees back to work.

The bad news is that with the Biden administration limiting flexibility in Medicaid, Wisconsin can only do so much in its biggest program. But the good news is that Wisconsin retains wide latitude over its work provisions in food stamps, a program with more than 100,000 able-bodied work registrants across the state.¹

Assembly Bill 935 doubles down on what has been working in Wisconsin's food stamp policies—most notably a requirement that all able-bodied adults without dependents must work, train, or volunteer an average of 20 hours per week to remain on food stamps no matter where they live.

In other words, Wisconsin has wisely avoided the biggest bureaucratic loopholes used by states like Michigan, Illinois, and Minnesota that exempt all or nearly all of each state from real work requirements.²

That's why the Opportunity Solutions Project is so pleased to support it.

That said, serious challenges remain. Some of those challenges—like the suspension of that work requirement by the federal government—are out of Wisconsin's hands.

But others can be solved, and this is an opportunity to solve them.

The federal government has suspended the more conventional work requirement, but it has not suspended the ability of states to assign able-bodied food stamp enrollees to an employment and training program—which you can think of as a back-door work requirement.³

Even before the pandemic, Wisconsin wasn't using this tool. In 2019, there were 71,200 able-bodied work registrants in Wisconsin—do you know how many were required to participate in employment and training programs? Zero. And fewer than 10,000 were expected to volunteer.⁴

And, on top of that, there's another bureaucratic loophole on the horizon that could effectively gut Wisconsin's work requirement—no-good-cause exemptions. Normally, the department can only exempt up to 12 percent of able-bodied adults without dependents from the work requirement. But because those exemptions have been stacking up, the department here could effectively keep the work requirement suspended—even after the federal public health emergency ends—for an additional year.

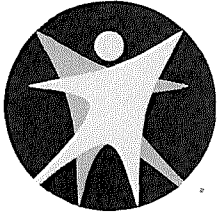
So, there is a great need—and opportunity—for pro-work reform. Assembly Bill 935 is a step in the right direction and strengthens the foundation on which Wisconsin's economy has always been built—work, plain and simple.

¹ Scott Centorino, "The Missing Tool: How work requirements can reduce dependency and help find absent workers," Foundation for Government Accountability (2021), <https://thefga.org/paper/one-tool-unleash-economic-recovery-solve-labor-crisis/>.

² Jonathan Bain, Jonathan Ingram, et al., "Waivers gone wild: How states are still fostering dependency," Foundation for Government Accountability (2019), <https://thefga.org/wp-content/uploads/2019/04/WGW2.pdf>.

³ Scott Centorino, "The Missing Tool: How work requirements can reduce dependency and help find absent workers," Foundation for Government Accountability (2021), <https://thefga.org/paper/one-tool-unleash-economic-recovery-solve-labor-crisis/>.

⁴ 2019 State E&T Plan



State of Wisconsin
Department of Health Services

Tony Evers, Governor
Karen E. Timberlake, Secretary-Designee

TO: Members of the Assembly Committee on Public Benefit Reform

FROM: HJ Waukau, Legislative Director

DATE: February 9, 2022

RE: Senate Bill 902, relating to: FoodShare work and FoodShare employment and training requirements and drug testing.

The Wisconsin Department of Health Services (DHS) would like to thank the Committee for the opportunity to submit written testimony for information only on Senate Bill 902 (SB 902), regarding enforcement of work and drug-screening requirements for able-bodied adults and able-bodied adults without dependents (ABAWDs) for the state's FoodShare program. SB 902 would require DHS to immediately withdraw from any waiver that currently suspends the time limit related to the ABAWD work requirement. It would also prohibit DHS from waiving ABAWD requirements either under existing current statutory processes, or if not applicable, submitting a waiver proposal to the Joint Committee on Finance for passive review.

Under the Families First Coronavirus Response Act P.L. 116-127 (FFCRA) it was mandated that all ABAWDs not be subject to various eligibility restrictions during the public health emergency (PHE). This provision effectively eliminated previously accrued time limited benefits for FoodShare recipients and required states to implement a "clean slate" for ABAWDs. In doing so, any previously accrued time limited benefit months must be removed and all ABAWDs would restart their benefits at zero months. Wisconsin's current waiver is effective until September 30, 2022. If the state were to rescind its waiver it would be out of compliance with FFCRA until June 26, 2022.

Additionally, § 2301 of FFCRA mandates that throughout the federal PHE declaration, eligibility for Supplemental Nutrition Assistance Program (SNAP) benefits can't be limited under the work requirement provisions in §6(o)(2) of the Food and Nutrition Act of 2008, unless an individual does not comply with specified work requirement standards. Wisconsin initially applied for and received a "good cause" exemption from FNS under the Trump Administration to temporarily suspend the ABAWD work requirements. Approximately 45,000 ABAWDs are impacted by the current waiver suspension, and it is unknown at this time how FNS would respond to a request from the state to withdraw its waiver regarding ABAWD time limits.

DHS thanks the Committee for the opportunity to provide written testimony for information only and offers its services as a resource for the Committee.



WISCONSIN COUNCIL
OF CHURCHES
COURAGE. JUSTICE. HOLY IMAGINATION.

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To: Members of the Senate Committee on Economic and Workforce Development
From: Peter Bakken, Coordinator for Justice and Witness, Wisconsin Council of Churches
Date: February 9, 2022
Re: Testimony in opposition to Senate Bill 902

The Wisconsin Council of Churches (WCC) is a network of Christian churches and faith-based organizations committed to working together across our many differences. We connect 21 Christian traditions, which have within them approximately 2,000 congregations and over one million church members. Exercising holy imagination, we help one another make courageous choices that lead toward peacemaking, social and economic justice for Wisconsin's most vulnerable residents, the vitality of the church, and the well-being of our neighbors.

Our faith teaches us that our moral and spiritual health depends on whether and how we support the well-being of all of us, whatever our level of income, where we come from, or what we look like.

In order for a community or state to thrive, every resident must have access to safe, nutritious food. FoodShare is essential for people who are unable to work or who can't find decent, dependable, self- or family-supporting jobs. So, it is important to all of us that the program can do what it is supposed to do: give people a dignified way to meet their food needs.

But AB 902 would prevent many people from getting the food they need, especially in hard economic times. It would reimpose inefficient and humiliating drug-testing requirements. It would mandate one-size-fits-all work requirements that fail to consider real obstacles to employment like being unable to find adequate transportation or affordable child care.

AB 935 also adds burdensome requirements for legislative action or committee review that would prevent FoodShare from responding quickly and efficiently to times of high unemployment, recession, or economic downturn.

The purpose of FoodShare is to help low-income and struggling families and individuals meet their nutritional needs – not to promote work or combat drug addiction. Cutting off access to food in an attempt to force someone into employment or drug treatment is neither compassionate, nor just, nor effective.

We urge you to reject AB 902.

Thank you for considering our testimony.