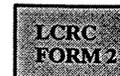


JAN 10 2000



WISCONSIN LEGISLATIVE COUNCIL STAFF

RULES CLEARINGHOUSE

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CLEARINGHOUSE REPORT TO AGENCY

[THIS REPORT HAS BEEN PREPARED PURSUANT TO S. 227.15, STATS. THIS IS A REPORT ON A RULE AS ORIGINALLY PROPOSED BY THE AGENCY; THE REPORT MAY NOT REFLECT THE FINAL CONTENT OF THE RULE IN FINAL DRAFT FORM AS IT WILL BE SUBMITTED TO THE LEGISLATURE. THIS REPORT CONSTITUTES A REVIEW OF, BUT NOT APPROVAL OR DISAPPROVAL OF, THE SUBSTANTIVE CONTENT AND TECHNICAL ACCURACY OF THE RULE.]

CLEARINGHOUSE RULE 99-165

AN ORDER to amend DWD 12.21 (1); and to create DWD 12.03 (26m) and 12.27, relating to two-parent families under Wisconsin works.

Submitted by **DEPARTMENT OF WORKFORCE DEVELOPMENT**

12-13-99 RECEIVED BY LEGISLATIVE COUNCIL.

01-06-00 REPORT SENT TO AGENCY.

RS:AS:rv;jal

LEGISLATIVE COUNCIL RULES CLEARINGHOUSE REPORT

This rule has been reviewed by the Rules Clearinghouse. Based on that review, comments are reported as noted below:

1. STATUTORY AUTHORITY [s. 227.15 (2) (a)]

Comment Attached YES NO

2. FORM, STYLE AND PLACEMENT IN ADMINISTRATIVE CODE [s. 227.15 (2) (c)]

Comment Attached YES NO

3. CONFLICT WITH OR DUPLICATION OF EXISTING RULES [s. 227.15 (2) (d)]

Comment Attached YES NO

4. ADEQUACY OF REFERENCES TO RELATED STATUTES, RULES AND FORMS
[s. 227.15 (2) (e)]

Comment Attached YES NO

5. CLARITY, GRAMMAR, PUNCTUATION AND USE OF PLAIN LANGUAGE [s. 227.15 (2) (f)]

Comment Attached YES NO

6. POTENTIAL CONFLICTS WITH, AND COMPARABILITY TO, RELATED FEDERAL
REGULATIONS [s. 227.15 (2) (g)]

Comment Attached YES NO

7. COMPLIANCE WITH PERMIT ACTION DEADLINE REQUIREMENTS [s. 227.15 (2) (h)]

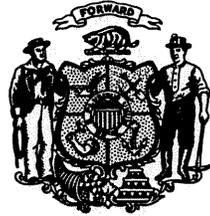
Comment Attached YES NO

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CLEARINGHOUSE RULE 99-165

Comments

[NOTE: All citations to "Manual" in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated September 1998.]

2. Form, Style and Placement in Administrative Code

In s. DWD 12.21 (1) (b), "parent who is subject to the work requirements under DWD 12.27" should be underscored in both instances.

4. Adequacy of References to Related Statutes, Rules and Forms

- a. In s. DWD 12.21 (1) (a), "s. DWD" should be inserted before "12.27."
- b. In s. DWD 12.21 (1) (b), "s." should be inserted before "DWD 12.27" in both instances.
- c. In s. DWD 12.27 (1) (intro.), "3" should be enclosed in parentheses.

5. Clarity, Grammar, Punctuation and Use of Plain Language

- a. In s. DWD 12.27 (1) (intro.), "the effect" should be deleted. Also, "all of" should be inserted before "the following." This comment also applies to s. DWD 12.27 (4) (intro.).
- b. In s. DWD 12.27 (1) (a), "the Wisconsin Works group's" should be inserted before "benefit amount." This comment also applies to sub. (4) (a).

c. In s. DWD 12.27 (2) (intro.), “any of the following conditions are met” should be inserted after “activities if.”

d. In s. DWD 12.27 (2) (c) (intro.), “three” should be replaced with “3.”

e. In s. DWD 12.27 (3) (intro.), the period at the end of the sentence should be replaced by a colon.

f. In s. DWD 12.27 (3) (e), should “program” be replaced with “job”?

**State of Wisconsin
Department of Workforce Development**

Two-Parent Families Under Wisconsin Works

The Wisconsin Department of Workforce Development proposes an order to amend DWD 12.21 (1) and to create DWD 12.03 (26m) and 12.27, relating to two-parent families under Wisconsin works.

Analysis Prepared by the Department of Workforce Development

Statutory authority: Secs. 49.15 and 49.151, Stats.

Statutes interpreted: Secs. 49.15 and 49.151, Stats.

This proposed rule implements requirements created by 1997 Wisconsin Act 27 for two-parent families under the Wisconsin works (W-2) program.

The rule provides that if a W-2 participant resides with the second parent of a child in common for whom the family receives federally-funded child care assistance, the second parent must participate in prescribed work activities. The second parent must participate in work activities for at least the difference between 55 hours and the number of hours the parent in the W-2 employment position participates in assigned employment and training activities. A second parent who is disabled or caring for a severely disabled child is not required to participate in the work activities.

Participation by the second parent has no effect on the W-2 benefit amount. If a second parent who is required to participate refuses to participate 3 times, the parent in the W-2 employment position will be ineligible to participate in that employment component. Employment components under W-2 are W-2 Transitions, Community Service Jobs, and Trial Jobs.

The W-2 agency may offer the second parent the opportunity to voluntarily participate in work activities if the family is not receiving federally-funded child care assistance.

SECTION 1. DWD 12.03 (26m) is created to read:

DWD 12.03 (26m) "Second parent" has the same meaning given "other parent" in s. 49.15 (1), Stats.

NOTE: Sec. 49.15 (1), Stats. defines "other parent" as "a parent who is not a participant in a Wisconsin works employment position."

SECTION 2. DWD 12.21(1)(a) and (b)(intro.) are amended to read:

DWD 12.21 (1) REFUSAL TO PARTICIPATE. (a) A participant who refuses without good cause to participate 3 times in any Wisconsin works employment position component is ineligible to participate in that component. A participant is also ineligible to participate in that Wisconsin works employment position component if the second parent in the Wisconsin works group is subject to the work requirement under ^{S. DWD} 12.27 and refuses 3 times to participate as required. A participant whom the Wisconsin works agency has determined is ineligible under this section for a particular Wisconsin works employment position component may be eligible to participate in any other Wisconsin works employment position component in which the participant has not refused to participate 3 times.

(b) A participant or a second parent who is subject to the work requirement under DWD 12.27 refuses to participate in a Wisconsin works employment position component if the participant or the second parent who is subject to the work requirement under DWD 12.27 does any of the following:

SECTION 3: DWD 12.27 is created to read:

DWD 12.27. Two-Parent Families. (1) **REQUIREMENTS FOR THE SECOND PARENT.** If a participant in a Wisconsin works employment position resides with the second parent of a dependent child with respect to whom the participant is a custodial parent, the second parent shall participate in prescribed work activities under sub (3) if the Wisconsin works group receives federally-funded child care assistance on behalf of the dependent child. The W-2 agency shall inform the second parent the effect of the following:

11.10.2017

(a) The second parent's participation in W-2 employment and training activities has no effect on benefit amount. (3)

(b) The second parent's refusal to participate in W-2 employment and training activities will result in sanction for the Wisconsin works group pursuant to s. DWD 12.21.

(2) EXCEPTIONS. The second parent is not required to participate in employment and training activities if: *any of the following* (←)

(a) The family is not receiving federally-funded child care assistance for a dependent child of the W-2 participant and the second parent.

(b) The second parent is a disabled parent who receives federal or state disability payments or other benefits based on equivalent disability status. Federal or state disability payments include supplemental security income, social security disability insurance, veteran's disability benefits, and worker's compensation.

(c) The second parent is caring for a severely disabled dependent child who has a physical, emotional, or mental impairment that is characterized by the need for individually planned and coordinated care, treatment, vocational rehabilitation, or other services and which has resulted or is likely to result in a substantial limitation on the ability to function in at least three of the following areas: (5)

1. Self-care
2. Receptive and expressive language
3. Learning
4. Mobility
5. Self-direction
6. Capacity for independent living
7. Economic self-sufficiency.

(3) PRESCRIBED WORK ACTIVITIES. The second parent shall participate in any of the following activities for at least the difference between 55 hours and the number of hours the parent in the W-2 employment position participates in assigned employment and training activities.

(a) Unsubsidized employment as defined in s. 49.147 (1)(c), Stats. ✓

(b) Employment subsidized by a source other than Wisconsin works.

- (c) Work experience other than a community service job.
- (d) On-the-job training funded by a source other than W-2.
- (e) A community service program as defined in s.49.147 (4), Stats.

(4) OPTIONAL PARTICIPATION. If the Wisconsin works group is not receiving federally-funded child care assistance for a custodial child of a W-2 participant and second parent, the W-2 agency may offer the second parent the opportunity to participate in work activities. The W-2 agency shall inform the second parent (the effect of the following: 3)

(a) The second parent's participation in W-2 employment and training activities has no effect on benefit amount. (the W-2 agency's 5)

(b) The second parent's nonparticipation in W-2 employment and training activities will not result in sanction for the Wisconsin works group.

(5) EMPLOYABILITY PLAN. If the second parent participates in W-2 employment or training activities, the W-2 agency shall create an employability plan for the second parent.

SECTION 4. EFFECTIVE DATE. This rule shall take effect on the first day of the month following publication in the Wisconsin administrative register as provided in s. 227.22 (2) (intro.), Stats.

APR 19 2000

Tommy G. Thompson
Governor

Linda Stewart
Secretary



**OFFICE OF THE
SECRETARY**

201 East Washington Avenue
P.O. Box 7946
Madison, WI 53707-7946
Telephone: (608) 266-7552
Fax: (608) 266-1784
<http://www.dwd.state.wi.us/>

State of Wisconsin

Department of Workforce Development

April 18, 2000

President of the Senate
220 South, State Capitol
Madison, Wisconsin 53702

Speaker of the Assembly
211 West, State Capitol
Madison, Wisconsin 53702

Notice of Administrative Rules in Final Draft Form

Clearinghouse rule number: 99-165

Rule number: ch. DWD 12

Relating to: Two-parent families under Wisconsin works

Dear Senator Risser and Representative Jensen:

I have enclosed proposed rules in final draft form and a rule report as required by s. 227.19(3), Stats., for referral to the appropriate legislative standing committees. If you have any questions regarding this matter, please do not hesitate to contact us.

Respectfully submitted,

A handwritten signature in cursive script that reads 'Linda Stewart'.

Linda Stewart, Ph.D.
Secretary

Tommy G. Thompson
Governor

Linda Stewart
Secretary



State of Wisconsin

OFFICE OF THE SECRETARY

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Department of Workforce Development

Rule Analysis for Legislative Review

**Proposed rules affecting ch. DWD 12 relating to two-parent families under Wisconsin works
(CR 99-165)**

Need for rules

The proposed rules implement requirements created by 1997 Wisconsin Act 27 for two-parent families under the Wisconsin works (W-2) program.

Public hearing response

There were no appearances at the public hearing. A written comment was received from Carol Medaris of the Wisconsin Council on Children and Families requesting deletion of the word "assigned" in s. DWD 12.27(3)(intro). The department agrees that this word should be deleted, but this will not have the impact that Ms. Medaris seeks. Ms. Medaris suggests that one parent be allowed to participate in employment and training activities up to the total 55 hours required from both parents by s. 49.15, Stats. The department's policy allows a maximum participation of 40 hours from one parent in a W-2 employment position (Trial Job, Community Service Job, W-2 Transition) which results in a minimum participation of 15 hours from the second parent.

When an employed individual is found eligible for a W-2 employment position, the participant's hours of unsubsidized employment are included in determining the appropriate number of hours of assigned work experience training and educational activities for the participant. The total combination of hours of unsubsidized employment, assigned work experience training and educational activities cannot exceed 40 hours so as to not hinder the participant's efforts to retain the unsubsidized employment.

The term "assigned activities" was deleted from s. DWD 12.27(3)(intro) because unsubsidized employment is not assigned by the W-2 agencies; it is considered in determining the appropriate number of hours of assigned activities so that the combination of unsubsidized employment and assigned activities does not exceed 40 hours.

Response to Legislative Council staff recommendations

All recommendations of the Legislative Council staff were accepted.

Final regulatory flexibility analysis

Privately-run W-2 agencies will be affected by the rule change, but the rule will not have a significant economic impact because there is no material change from current procedures.

Department contacts

Dianne Reynolds
Division of Economic Support
266-0988

Elaine Pridgen
Administrative Rules Coordinator
267-9403



"For these are all our children . . .
we will all profit by, or pay for,
whatever they become." James Baldwin

February 4, 2000

RECEIVED

FEB 07 2000

SECRETARY'S OFFICE

Elaine Pridgen
Office of Legal Counsel
Dept. of Workforce Development
P.O. Box 7946
Madison, WI 53707-7946

Re: Proposed rule relating to two-parent families under Wisconsin Works

Dear Ms. Pridgen,

This constitutes my written comment on the two-parent rule. My only suggested change concerns the wording in section 12.27(3), dealing with how agencies are to determine the work requirement of the second parent in a W-2 family, when the family receives child care assistance. The total required of both parents must equal 55 hours.

The section states that the second parent must participate in the number of hours arrived at by subtracting from 55, the hours the first parent participates in "assigned employment and training activities."

The statute, on the other hand, provides more flexibility. It states that the hours to be subtracted from 55 are the sum of the hours the first parent spends in a Wisconsin Works employment position plus the number spent in other "prescribed activities." Prescribed activities include work in unsubsidized employment, defined as employment not subsidized by the W-2 agency. (It also includes subsidized employment, work experience, on-the-job training, or a community service program, all as defined by the department.) To be consistent with the statute, the word "assigned" needs to be taken out of the rule.

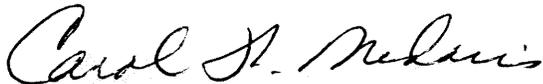
As proposed, the rule would always require that the second parent work at least 15 hours, since the first parent could never be "assigned" more than 40 hours, based upon current W-2 law. The statute, on the other hand, would allow the first parent to take responsibility for all 55 hours (or a greater proportion of them), if that worked best for the family.

RESEARCH • EDUCATION • ADVOCACY

For example, the first parent in a W-2 family might fulfill his\her W-2 assignment of 40 hours and then work another 10 hours in unsubsidized employment. Then, if the second parent wished to attend school and work 5 hours in a work-study program, the family would qualify for child care for the hours the second parent spent in school while maintaining the families' eligibility for W-2.

Such an option should strengthen two-parent families and help them achieve more lasting self-sufficiency. It is an option clearly authorized under the statute. The Department may not, nor should it, limit that option.

Cordially,

A handwritten signature in cursive script that reads "Carol W. Medaris".

Carol W. Medaris
Project Attorney

**State of Wisconsin
Department of Workforce Development**

Two-Parent Families Under Wisconsin Works

The Wisconsin Department of Workforce Development proposes an order to amend DWD 12.21 (1) and to create DWD 12.03 (26m) and 12.27, relating to two-parent families under Wisconsin works.

Analysis Prepared by the Department of Workforce Development

Statutory authority: Secs. 49.15 and 49.151, Stats.

Statutes interpreted: Secs. 49.15 and 49.151, Stats.

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The rule provides that if a W-2 participant resides with the second parent of a child in common for whom the family receives federally-funded child care assistance, the second parent must participate in prescribed work activities. The second parent must participate in work activities for at least the difference between 55 hours and the number of hours the parent in the W-2 employment position participates in assigned employment and training activities. A second parent who is disabled or caring for a severely disabled child is not required to participate in the work activities.

Participation by the second parent has no effect on the W-2 benefit amount. If a second parent who is required to participate refuses to participate 3 times, the parent in the W-2 employment position will be ineligible to participate in that employment component. Employment components under W-2 are W-2 Transitions, Community Service Jobs, and Trial Jobs.

The W-2 agency may offer the second parent the opportunity to voluntarily participate in work activities if the family is not receiving federally-funded child care assistance.

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NOTE: Sec. 49.15 (1), Stats. defines “other parent” as “a parent who is not a participant in a Wisconsin works employment position.”

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DWD 12.21 (1) REFUSAL TO PARTICIPATE. (a) A participant who refuses without good cause to participate 3 times in any Wisconsin works employment position component is ineligible to participate in that component. A participant is also ineligible to participate in that Wisconsin works employment position component if the second parent in the Wisconsin works group is subject to the work requirement under s. DWD 12.27 and refuses 3 times to participate as required. A participant whom the Wisconsin works agency has determined is ineligible under this section for a particular Wisconsin works employment position component may be eligible to participate in any other Wisconsin works employment position component in which the participant has not refused to participate 3 times.

(b) A participant or a second parent who is subject to the work requirement under s. DWD 12.27 refuses to participate in a Wisconsin works employment position component if the participant or the second parent who is subject to the work requirement under s. DWD 12.27 does any of the following:

SECTION 3: DWD 12.27 is created to read:

DWD 12.27. Two-Parent Families. (1) REQUIREMENTS FOR THE SECOND PARENT. If a participant in a Wisconsin works employment position resides with the second parent of a dependent child with respect to whom the participant is a custodial parent, the second parent shall participate in prescribed work activities under sub. (3) if the Wisconsin works group receives federally-funded child care assistance on behalf of the dependent child. The W-2 agency shall inform the second parent all of the following:

(a) The second parent’s participation in W-2 employment and training activities has no effect on the Wisconsin works group’s benefit amount.

(b) The second parent's refusal to participate in W-2 employment and training activities will result in sanction for the Wisconsin works group pursuant to s. DWD 12.21.

(2) EXCEPTIONS. The second parent is not required to participate in employment and training activities if any of the following conditions are met:

(a) The family is not receiving federally-funded child care assistance for a dependent child of the W-2 participant and the second parent.

(b) The second parent is a disabled parent who receives federal or state disability payments or other benefits based on equivalent disability status. Federal or state disability payments include supplemental security income, social security disability insurance, veteran's disability benefits, and worker's compensation.

(c) The second parent is caring for a severely disabled dependent child who has a physical, emotional, or mental impairment that is characterized by the need for individually planned and coordinated care, treatment, vocational rehabilitation, or other services and which has resulted or is likely to result in a substantial limitation on the ability to function in at least 3 of the following areas:

1. Self-care
2. Receptive and expressive language
3. Learning
4. Mobility
5. Self-direction
6. Capacity for independent living
7. Economic self-sufficiency.

(3) PRESCRIBED WORK ACTIVITIES. The second parent shall participate in any of the following activities for at least the difference between 55 hours and the number of hours the parent in the W-2 employment position participates in any of the following activities:

- (a) Unsubsidized employment as defined in s. 49.147 (1)(c), Stats.
- (b) Employment subsidized by a source other than Wisconsin works.
- (c) Work experience other than a community service job.
- (d) On-the-job training funded by a source other than W-2.

(e) A community service job as defined in s.49.147 (4), Stats.

(4) OPTIONAL PARTICIPATION. If the Wisconsin works group is not receiving federally-funded child care assistance for a custodial child of a W-2 participant and second parent, the W-2 agency may offer the second parent the opportunity to participate in work activities. The W-2 agency shall inform the second parent all of the following:

(a) The second parent's participation in W-2 employment and training activities has no effect on the Wisconsin works group's benefit amount.

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(5) EMPLOYABILITY PLAN. If the second parent participates in W-2 employment or training activities, the W-2 agency shall create an employability plan for the second parent.

SECTION 4. EFFECTIVE DATE. This rule shall take effect on the first day of the month following publication in the Wisconsin administrative register as provided in s. 227.22 (2) (intro.), Stats.

FISCAL ESTIMATE WORKSHEET

1999 Session

Detailed Estimate of Annual Fiscal Effect
DOA-2047 (R10/94)

ORIGINAL UPDATED
 CORRECTED SUPPLEMENTAL

LRB or Bill No./Adm. Rule No. DWD 12	Amendment No.
---	---------------

Subject
Two-Parent Families Under Wisconsin Works

I. One-time Costs or Revenue Impacts for State and/or Local Government (do not include in annualized fiscal effect):

II. Annualized Costs:	Annualized Fiscal impact on State funds from:	
	Increased Costs	Decreased Costs
A. State Costs by Category		
State Operations - Salaries and Fringes	\$0	\$0 -
(FTE Position Changes)	(FTE)	(- FTE)
State Operations - Other Costs		-
Local Assistance		-
Aids to Individuals or Organizations		-
TOTAL State Costs by Category	\$ 0	\$ -
B. State Costs by Source of Funds		
GPR	\$	\$ -
FED		-
PRO/PRS		-
SEG/SEG-S		-
III. State Revenues - Complete this only when proposal will increase or decrease state revenues (e.g., tax increase, decrease in license fee, etc.)	Increased Rev.	Decreased Rev.
GPR Taxes	\$	\$ -
GPR Earned		-
FED		-
PRO/PRS		-
SEG/SEG-S		-
TOTAL State Revenues	\$0	\$0-

NET ANNUALIZED FISCAL IMPACT

	STATE	LOCAL
NET CHANGE IN COSTS	\$0	\$0
NET CHANGE IN REVENUES	\$0	\$0

Agency/Prepared by: (Name & Phone No.)
Elaine Pridgen 267-9403

Authorized Signature/Telephone No.

Grand Jeriston 266-9427

Date

12/13/99

LRB or Bill No./Adm. Rule No.
DWD 12

Amendment No. if Applicable

- ORIGINAL
- CORRECTED
- UPDATED
- SUPPLEMENTAL

FISCAL ESTIMATE
DOA-2048 N(R03/97)

Subject
Two-Parent Families Under Wisconsin Works

Fiscal Effect

State: No State Fiscal Effect

Check columns below only if bill makes a direct appropriation or affects a sum sufficient appropriation.

Increase Costs - May be possible to Absorb Within Agency's Budget Yes No

- Increase Existing Appropriation
- Decrease Existing Appropriation
- Create New Appropriation
- Increase Existing Revenues
- Decrease Existing Revenues

Decrease Costs

Local: No local government costs

- 1. Increase Costs
 - Permissive
 - Mandatory
- 2. Decrease Costs
 - Permissive
 - Mandatory

- 3. Increase Revenues
 - Permissive
 - Mandatory
- 4. Decrease Revenues
 - Permissive
 - Mandatory

5. Types of Local Governmental Units Affected:

- Towns
- Villages
- Cities
- Counties
- Others _____
- School Districts
- WTCS Districts

Fund Sources Affected

- GPR
- FED
- PRO
- PRS
- SEG
- SEG-S

Affected Ch. 20 Appropriations

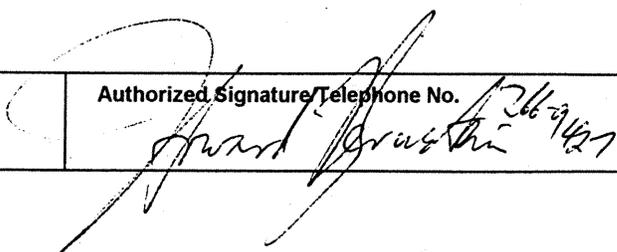
Assumptions Used in Arriving at Fiscal Estimate

Costs for implementation of the two-parent participation requirement when a family receives federally-funded child care assistance were included in the 1997-98 biennial budget, 1997 Wisconsin Act 27. The rule offers optional participation to the second parent when the family does not receive child care assistance. Optional participation by the second parent may increase the W-2 agency caseload slightly. Participation by the second parent does not increase the benefit amount and costs of training the second parent are not funded by W-2.

Long-Range Fiscal Implications

Agency/Prepared by: (Name & Phone No.)
Elaine Pridgen 267-9403

Authorized Signature/Telephone No.



Edward Prust 267-9403

Date

12/12/99