

## 2013 DRAFTING REQUEST

**Bill**

Received: 2/17/2014 Received By: pkahler  
Wanted: As time permits Same as LRB:  
For: Daniel Riemer (608) 266-1733 By/Representing: Dave Groshek  
May Contact: Drafter: pkahler  
Subject: Public Assistance - misc Addl. Drafters:  
Extra Copies:

Submit via email: YES  
Requester's email: Rep.Riemer@legis.wisconsin.gov  
Carbon copy (CC) to: Fern.Knepp@legis.wisconsin.gov

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### Pre Topic:

No specific pre topic given

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### Topic:

Transitional Jobs program

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### Instructions:

See attached

---

### Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	pkahler 2/24/2014	wjackson 2/27/2014		_____			
/P1	pkahler 3/7/2014		jfrantze 2/28/2014	_____	srose 2/28/2014		
/P2	pkahler 3/13/2014	wjackson 3/11/2014	jfrantze 3/12/2014	_____	sbasford 3/12/2014		
/1		wjackson	jmurphy	_____	mbarman	sbasford	State

Vers. Drafted

Reviewed  
3/17/2014

Typed  
3/17/2014

Proofed  
\_\_\_\_\_

Submitted  
3/17/2014

Jacketed  
3/18/2014

Required

FE Sent For:

①  
INTRO.

<END>

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/1		wjackson	jmurphy	_____	mbarman		State

Vers. Drafted

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\_\_\_\_\_

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No specific pre topic given

**Topic:**

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**Instructions:**

See attached

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1 WJ 3/17

Jim + RS  
3/17

FE Sent For:

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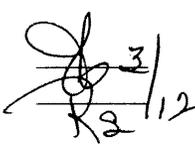
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See attached

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/?	pkahler	pl wly 2/27	Jo	JM 2/27			

FE Sent For:

<END>

## Kahler, Pam

---

**From:** Groshek, Dave  
**Sent:** Monday, February 17, 2014 10:15 AM  
**To:** Kahler, Pam  
**Subject:** Drafting Request for Rep. Riemer - Transitional Jobs Program  
**Attachments:** Transitional Jobs Bill Language Document.doc

Pam-

Attached is some language for a bill request Rep. Riemer has dealing with a transitional jobs program. Would it be possible to get a P-draft back for this sometime later this week? Let me know if this will work, and thanks for your help with this. Also, if anything jumps out as unworkable, let me know as well. I can be reached at 6-1733 if you have questions, and I will follow up with a call this afternoon.

Thanks Pam.

Dave

--

*David Groshek  
Office of Representative Daniel Riemer  
7<sup>th</sup> Assembly District  
(o) 608.266.1733  
(tf) 888.529.0007*

# 1. TRANSITIONAL JOBS

Amend s. 49.163 of the Wisconsin Statutes as follows:

## 49.163 ~~Transform Milwaukee Jobs program and~~ Transitional Jobs program

(1) DEFINITIONS. In this section:

*not used* → (a) "Employee" means an individual who has an employer.

(b) "Employer" means a person who is required under the Internal Revenue Code to file form 941.

~~(am)-(c)~~ (c) "Program" means the ~~Transform Milwaukee Jobs program, or the~~ Transitional Jobs program, under this section

~~(a2)-(d)~~ (d) "Wisconsin Works" has the meaning given in s. 49.141 (1)(p)

(b) ~~(e)~~ (e) "Wisconsin Works employment position" has the meaning given in s. 49.141 (1) (4) *r*

(2) ELIGIBILITY FOR ESTABLISHMENT OF PROGRAM.

*?* → (a) The department shall establish a ~~Transform Milwaukee Jobs program in Milwaukee County and, if funding is available, may establish a~~ Transitional Jobs program outside of Milwaukee County for the purposes of helping unemployed and underemployed Wisconsin residents to gain, through wage-paying employment, the skills needed to move as quickly as possible into unsubsidized employment and assisting small employers in Wisconsin to create new jobs. ~~To the extent of available funds, the department shall conduct the Transitional Jobs program, if established, in one or more geographic areas in the state that are not in Milwaukee County. In selecting the geographic area or areas in which to conduct the Transitional Jobs program, the department shall give priority to those areas with relatively high rates of unemployment and childhood poverty.~~

(3) ELIGIBILITY FOR PROGRAM.

~~(am)~~ (a) To be eligible to participate in the program, an individual must satisfy all of the following criteria:

1. Be a resident of Wisconsin who is at least 18 years of age.

2. If over 24 years of age, be a biological or adoptive parent of a child under 18 years of age whose parental rights to the child have not been terminated or be a relative and primary caregiver of a child under 18 years of age.

3. 2. Have an annual household income that is below ~~150~~ 250 percent of the poverty line.

4. 3. Be unemployed, or unemployed for fewer than 30 hours per week, for at least 4 consecutive weeks.

4. Except in the cases of an individual who is eligible under Wisconsin Works for a Wisconsin works employment position under s. 49.145 and holds a trial employment match program under s. 49.147 (3), or is a non-custodial parent who meets the requirements of s. 49.159 (1) (a) and has received a placement in a job under 49.147 (3), sign a reimbursement agreement under subsection (4) (b).

5. Be ineligible to receive unemployment insurance benefits.

6. Not be participating in a Wisconsin Works employment position.

(b) For purposes of par. ~~(am)~~ 3., the household income of an individual transitioning from foster care to independent living shall be based on the individual's own income over a period determined by the department and shall not include the household income of the individual's foster parents.

(c) The department may establish additional eligibility criteria consistent with its mission and the funding available. An individual who meets the eligibility criteria established under par. (a) may choose to be offered a transitional job under this section by requesting a transitional job from a person that the department has contracted with to administer the program under this section in the county in which the individual resides. The individual shall then be offered a transitional job under the terms and conditions described in subsection (4), provided that the department has provided sufficient funding to the person that the department has contracted with to administer the program in this section in the county in which the individual resides. To the extent that requests for transitional jobs exceed the funding available for

(am)

*no neg. to provide funding ("may")  
or even contract*

transitional jobs, the department shall establish a waiting list based on length of unemployment or underemployment and other factors related to need for work.

**(3) (4) PROGRAM DESCRIPTION AND FINANCING.**

**(a)** The Transitional Jobs program under this section shall include all of the following features and requirements:

*(b.m)* 1. An individual may participate in the program for a maximum of 1,040 hours actually worked. An (eligible individual) may work in a transitional job under this section for not more than 6 months, and may work in additional transitional jobs as long as he or she continues to satisfy the eligibility criteria under sub. (3) (a). After working in a transitional job, however, the individual shall be ineligible to work in another transitional job for at least 4 weeks.

*no limit on # of jobs?*  
*(c)* 2. During the time that an individual is employed in a transitional job and during any period of ineligibility between transitional jobs required under subd. 1., unless the individual has other employment in the regular labor market for at least 20 hours per week the individual shall be required to seek permanent employment, as defined by the department, in the regular labor market.

*(d)* 3. An individual who obtains a transitional job must work at that job at least 8 hours per week but may not work at that job more than 30 hours per week. An individual who obtains a transitional job and who has other employment in the regular labor market may not work at the transitional job more hours per week than would make his or her total work hours at the transitional job and the other employment more than 40 hours per week.

*(e)* 2. 4. The department shall determine and specify in a contract whether a contractor under subpar. (4) (8) or an employer is the individual's employer of record. The employer of record shall pay the individual for hours actually worked at not less than the federal or state minimum wage that applies to the individual.

*(f)* 3. 5. The department may shall reimburse pay an employer, or a contractor under subpar. (4) (8), that employs an individual participating in the program for a minimum of 20 hours per week at a location in this state for any all of the following costs actually incurred by the employer or contractor that are attributable to the employment of the individual under the program:

a. A wage subsidy equal to the amount of wages that the employer or contractor pays to the individual for hours actually worked, not to exceed 40 hours per week at the federal or state minimum wage that applies to the individual. For each hour of work actually performed by the individual in a transitional job and for which the employer has paid the individual a wage, a subsidy equal to the federal minimum wage or the state minimum wage, whichever is higher.

b. Federal social security and Medicare taxes.

c. State and federal unemployment insurance contributions or taxes, if any.

d. Worker's compensation insurance premiums, if any.

4-6. An employer, or, subject to the approval of the department, a contractor under subpar (4) (8), that employs an individual participating in the program may pay the individual an amount that exceeds any wage subsidy paid to the employer or contractor by the department under subd. ~~p. a.~~ → 5

5. 7. The employment of an individual under this section may not do any of the following:

a. Have the effect of filling a vacancy created by an employer terminating a regular employee or otherwise reducing its work force for the purpose of hiring an individual under this section.

b. Fill a position when any other person is on layoff or strike from the same or a substantially equivalent job within the same organizational unit.

c. Fill a position when any other person is engaged in a labor dispute regarding the same or a substantially equivalent job within the same organizational unit.

(4) 8. The department (may) contract with any person to administer the program under this section, including a Wisconsin Works agency; county department under s. 46.215, 46.22, or 46.23; local workforce development board established under 29 USC 2832; or community action agency under s. 49.265. The department, or the agency or agencies with which the department contracts under this subsection, shall do all of the following:

(a) a. Determine the eligibility of applicants for the program.

*in each county?*

~~(b)~~ b. Provide, or identify employers to provide, jobs, <sup>under the program</sup> for individuals transitioning to unsubsidized employment from unemployment, underemployment, limited work history, foster care, or other circumstances identified by the department.

~~(c)~~ c. Conduct job orientation activities.

~~(d)~~ d. Provide employment services, as specified by the department, for program participants.

~~(e)~~ e. Maintain and update participant demographic, eligibility, and employment records in the manner required by the department.

(am) 9. The department shall administer the program under this section, including the following:

1. a. Promulgate any rules that may be necessary for the operation of the program.

2. b. Cooperate with the legislative audit bureau in the performance of audits of the program <sup>want regular audits</sup> ~~(c).~~ Annually submit a report to the legislature and to the governor on the operation of the program.

3. c. Conduct, or enter into arrangements with independent academic or research organizations to conduct, periodic evaluations of the effectiveness of the program in reducing poverty and unemployment, helping unemployed and underemployed Wisconsin residents to gain through wage-paying employment the skills needed to move as quickly as possible into unsubsidized employment, and assisting small businesses in Wisconsin to create new jobs.

(b) The following provisions shall apply to the financing of the program under this section, except with respect to individuals described in subpar. 3. <sup>subd. 3,</sup>

1. To be eligible to participate in the program, an individual must sign a written reimbursement agreement under which the individual acknowledges that payments made by the department under subpar (a) 5, for the purposes of enabling the individual to work in a transitional job, constitute a loan to the individual for which the individual has an obligation to reimburse the department in the manner described in subpar. (2);

2. An individual who was been employed in a transitional job shall reimburse the department the lesser of the following:

a. 5% of the individual's adjusted gross income, as reported on the individual's Wisconsin individual income tax return, for the 10 years following the end of the individual's employment in a transitional job; or

b. The full amount of the payments made by the department under subpar. (4) (a) 5.

c. The reimbursement owed under this subsection shall be included on the individual's Wisconsin individual income tax return, but shall not be deemed a tax for any purpose under Wisconsin law.

3. The requirements of subpars. 1 and 2 do not apply to the following individuals:

a. An individual who is eligible under Wisconsin Works for a Wisconsin works employment position under s. 49.145 and holds a trial employment match program under s. 49.147 (3).

b. An individual who is a non-custodial parent who meets the requirements of s. 49.159 (1) (a) and has received a placement in a job under 49.147 (3).

c. Any other individual on whose behalf the department has made payments under subpar. (4) (a) 5 by utilizing federal funds made available to the state through the Temporary Assistance to Needy Families program, or funds made available by any other federal program, or funds made available through any state program other than this program, *provided that the requirements of subpars. 1 and 2 shall apply to any portion of the payments the department has made under subpar. (4) (a) 5 that are not covered by federal funds made available to the state through the Temporary Assistance to Needy Families program, or funds made available by any other federal program, or funds made available through any state program other than this program.*

Add two other separate provisions:

*from TANF or any other fed or state \$*

**Effective date:** The amendments (above) to s. 49.163 shall take effect on July 1, 2015.

*does reimp apply only to GPR (+ PR?)?  
\$ derived from GPR (+ PR)?*

**Funding:** For the purposes of implementing the transitional jobs program described in s. 49.163, as amended effective July 1, 2015, the following amounts are appropriated:

- (1) For State Fiscal Year 2015-2016, \$50 million
- (2) For State Fiscal Year 2016-2017, \$100 million

GRR? → yes

PR w/ \$ reimb by participants? yes

how dos \$ aide work?

JK → a quarterly federal tax return  
under section 3121 of

# 1. TRANSITIONAL JOBS

the Internal  
Revenue Code

Amend s. 49.163 of the Wisconsin Statutes as follows:

## 49.163 Transform Milwaukee Jobs program and Transitional Jobs program

### (1) DEFINITIONS. In this section:

- used? → (a) "Employee" means an individual who has an employer.
- (b) "Employer" means a person who is required under the Internal Revenue Code to file form 941.
- ~~(am)~~ (c) "Program" means the Transform Milwaukee Jobs program, or the Transitional Jobs program, under this section
- ~~(a2)~~ (d) "Wisconsin Works" has the meaning given in s. 49.141 (1)(p)
- (b) (e) "Wisconsin Works employment position" has the meaning given in s. 49.141 (1) (4)

### (2) ELIGIBILITY FOR ESTABLISHMENT OF PROGRAM.

~~(a)~~ The department shall establish a Transform Milwaukee Jobs program in Milwaukee County and, if funding is available, may establish a Transitional Jobs program outside of Milwaukee County for the purposes of helping unemployed and underemployed Wisconsin residents to gain, through wage-paying employment, the skills needed to move as quickly as possible into unsubsidized employment and assisting small employers in Wisconsin to create new jobs. To the extent of available funds, the department shall conduct the Transitional Jobs program, if established, in one or more geographic areas in the state that are not in Milwaukee County. In selecting the geographic area or areas in which to conduct the Transitional Jobs program, the department shall give priority to those areas with relatively high rates of unemployment and childhood poverty.

### (3) ELIGIBILITY FOR PROGRAM.

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2. If over 24 years of age, be a biological or adoptive parent of a child under 18 years of age whose parental rights to the child have not been terminated or be a relative and primary caregiver of a child under 18 years of age.
3. 2. Have an annual household income that is below ~~150~~ 250 percent of the poverty line.
4. 3. Be unemployed, or ~~unemployed~~ for fewer than 30 hours per week, for at least 4 consecutive weeks.
4. Except in the cases of an individual who is eligible under Wisconsin Works for a Wisconsin works employment position under s. 49.145 and holds a trial employment match program under s. 49.147 (3), or is a non-custodial parent who meets the requirements of s. 49.159 (1) (a) and has received a placement in a job under 49.147 (3), sign a reimbursement agreement under subsection (4) (b).
5. Be ineligible to receive unemployment insurance benefits.
6. Not be participating in a Wisconsin Works employment position.

(b) For purposes of par. ~~(am)~~ 3., the household income of an individual transitioning from foster care to independent living shall be based on the individual's own income over a period determined by the department and shall not include the household income of the individual's foster parents.

(c) The department may establish additional eligibility criteria consistent with its mission and the funding available. An individual who meets the eligibility criteria established under par. (a) may choose to be offered a transitional job under this section by requesting a transitional job from a person that the department has contracted with to administer the program under this section in the county in which the individual resides. The individual shall then be offered a transitional job under the terms and conditions described in subsection (4), provided that the department has provided sufficient funding to the person that the department has contracted with to administer the program in this section in the county in which the individual resides. To the extent that requests for transitional jobs exceed the funding available for

(26 USC 3121)

**Kahler, Pam**

---

**From:** Groshek, Dave  
**Sent:** Wednesday, February 19, 2014 4:25 PM  
**To:** Kahler, Pam  
**Cc:** Shovers, Marc  
**Subject:** RE: Drafting Request for Rep. Riemer - Transitional Jobs Program

That sounds good.

Thanks so much for your help you all.

---

**From:** Kahler, Pam  
**Sent:** Wednesday, February 19, 2014 4:17 PM  
**To:** Groshek, Dave  
**Cc:** Shovers, Marc  
**Subject:** RE: Drafting Request for Rep. Riemer - Transitional Jobs Program

That will work. In that case, you will have the repayments going into a PR appropriation to DCF (to be used for the program), as well as GPR, and DCF will promulgate rules on how the repayments will be collected, as they do under the job access loans. Okay?

Pam

---

**From:** Groshek, Dave  
**Sent:** Wednesday, February 19, 2014 4:00 PM  
**To:** Kahler, Pam  
**Cc:** Shovers, Marc  
**Subject:** RE: Drafting Request for Rep. Riemer - Transitional Jobs Program

Hi Pam and Marc-

We are leaning with modeling the transitional jobs payments for this draft after the job access loans, which Pam mentioned in Chapter 49.147. Would this make sense? Does this answer that main question you guys had? If so, we will move forward with that to get the ball rolling. If not, let me know and we can address any other questions.

Dave

--  
*David Groshek*  
*Office of Representative Daniel Riemer*  
*7<sup>th</sup> Assembly District*  
*(o) 608.266.1733*  
*(tf) 888.529.0007*



PI  
r m not run  
WJ

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

Please  
P.W.F.  
Tx. ✓

WJ

D - note  
in 2-24  
(would like soon)

granting rule-making  
authority ✓

gen cat

1 AN ACT ...; relating to: the Transform Milwaukee Jobs program and the  
2 Transitional Jobs program and making an appropriation. <sup>appropriations</sup>

**Analysis by the Legislative Reference Bureau**

This is a preliminary draft. An analysis will be provided in a subsequent version of this draft.

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

Insert 1-3

3 SECTION 1. 20.437 (2) (em) of the statutes is created to read:

4 20.437 (2) (em) *Transitional Jobs program*. The amounts in the schedule for  
5 the Transitional Jobs program under s. 49.163. ✓

6 SECTION 2. 20.437 (2) (g) of the statutes is created to read:

7 20.437 (2) (g) *Transitional job reimbursements*. All moneys received under  
8 49.163 (5m) (b) 2., for the Transitional Jobs program under s. 49.163. ✓

9 SECTION 3. 49.155 (1m) (a) 3r. of the statutes, as <sup>affected</sup> created by 2013 Act 20, is  
10 amended to read: <sup>113</sup> ★

WISCONSIN

1 49.155 (1m) (a) 3r. Participate in the ~~Transform Milwaukee Jobs program, or~~  
2 the Transitional Jobs program, under s. 49.163.

*affected*

*History:* 1995 a. 289; 1997 a. 27, s. 1766 to 1775, 1838 to 1857; 1997 a. 41, 105, 237, 252; 1999 a. 9; 2001 a. 16; 2003 a. 33; 2005 a. 25, 165; 2007 a. 20; 2009 a. 28, 76, 77, 185; 2011 a. 32, 120, 158, 202; 2013 a. 20, 113.

3 **SECTION 4.** 49.163 (title) of the statutes, as ~~amended~~ by 2013 Wisconsin Act 113,  
4 is amended to read:

5 **49.163 (title)** ~~Transform Milwaukee Jobs program and Transitional~~  
6 **Jobs program.**

*History:* 2013 a. 20, 113; s. 13.92 (1) (bm) 2.

7 **SECTION 5.** 49.163 (1) (ac) of the statutes is created to read:

8 49.163 (1) (ac) "Employer" means a person in this state who is required to file  
9 a quarterly federal tax return under section 3121 of the Internal Revenue Code (26  
10 USC 3121).

*insert 2-10*

11 **SECTION 6.** 49.163 (1) (ar) of the statutes is created to read:

12 49.163 (1) (ar) "Small employer" means an employer that employed an average  
13 of at least 2 but not more than 50 employees on business days during the preceding  
14 calendar year, or that is reasonably expected to employ an average of at least 2 but  
15 not more than 50 employees on business days during the current calendar year if the  
16 employer was not in existence during the preceding calendar year.

17 **SECTION 7.** 49.163 (1) (at) of the statutes is created to read:

18 49.163 (1) (at) "Transitional job" means a job under the program.

*Wisconsin*

19 **SECTION 8.** 49.163 (2) (title) of the statutes, as created by 2013 Act 20, is ~~is~~  
20 amended to read:

21 **49.163 (2) (title)** ~~ELIGIBILITY FOR ESTABLISHMENT OF PROGRAM.~~

*History:* 2013 a. 20, 113; s. 13.92 (1) (bm) 2.

22 **SECTION 9.** 49.163 (2) (a) of the statutes, as affected by 2013 Wisconsin Act 113,  
23 is renumbered 49.163 (2) and amended to read:

Strike + space  
↓ the

1           49.163 (2) The department shall establish ~~the~~ Transform Milwaukee Jobs  
 2 ~~program in Milwaukee County and, if funding is available, may establish a~~  
 3 ~~Transitional Jobs program outside of Milwaukee County. To the extent of available~~  
 4 ~~funds, the department shall conduct the Transitional Jobs program, if established,~~  
 5 ~~in one or more geographic areas in the state that are not in Milwaukee County. In~~  
 6 ~~selecting the geographic area or areas in which to conduct the Transitional Jobs~~  
 7 ~~program, the department shall give priority to those areas with relatively high rates~~  
 8 ~~of unemployment and childhood poverty to help unemployed and underemployed~~  
 9 ~~Wisconsin residents gain, through wage-paying employment, the skills needed to~~  
 10 ~~move as quickly as possible into unsubsidized employment and to assist small~~  
 11 ~~employers in Wisconsin in creating new jobs.~~

History: 2013 a. 20, 113; s. 13.92 (1) (bm) 2.

12           **SECTION 10.** 49.163 (2) (am) (intro.) of the statutes, as affected by 2013  
 13 Wisconsin Act 113, is renumbered 49.163 (2m) (intro.).

14           **SECTION 11.** 49.163 (2) (am) 1. of the statutes, as created by 2013 Wisconsin Act  
 15 20, is renumbered 49.163 (2m) (a) and amended to read:

16           49.163 (2m) (a) Be a Wisconsin resident who is at least 18 years of age.

NOTE: NOTE: Subd. 1 is shown as renumbered from par. (a) 1. by the legislative reference bureau under s. 13.92 (1) (bm) 2. NOTE:

History: 2013 a. 20, 113; s. 13.92 (1) (bm) 2.

17           **SECTION 12.** 49.163 (2) (am) 2. of the statutes, as created by 2013 Wisconsin Act  
 18 20, is repealed.

19           **SECTION 13.** 49.163 (2) (am) 3. of the statutes, as created by 2013 Wisconsin Act  
 20 20, is renumbered 49.163 (2m) (b) and amended to read:

21           49.163 (2m) (b) Have an annual household income that is below 150 250  
 22 percent of the poverty line.

NOTE: NOTE: Subd. 3 is shown as renumbered from par. (a) 3. by the legislative reference bureau under s. 13.92 (1) (bm) 2. NOTE:

History: 2013 a. 20, 113; s. 13.92 (1) (bm) 2.

1 SECTION 14. 49.163 (2) (am) 4. of the statutes, as created by 2013 Wisconsin Act  
2 20, is renumbered 49.163 (2m) (c) and amended to read:

3 a 49.163 (2m) (c) Be unemployed or employed for fewer than 30 hours per week,  
4 or any combination of those, for at least 4 consecutive weeks.

NOTE: NOTE: Subd. 4 is shown as renumbered from par. (a) 4. by the legislative reference bureau under s. 13.92 (1) (bm) 2. NOTE:

History: 2013 a. 20, 113; s. 13.92 (1) (bm) 2.

5 SECTION 15. 49.163 (2) (am) 5. of the statutes, as created by 2013 Wisconsin Act  
6 20, is repealed.

7 SECTION 16. 49.163 (2) (am) 6. of the statutes, as created by 2013 Wisconsin Act  
8 20, is repealed.

9 SECTION 17. 49.163 (2) (b) of the statutes, as amended by 2013 Wisconsin Act  
10 113, is repealed.

11 SECTION 18. 49.163 (2) (c) of the statutes, as created by 2013 Wisconsin Act 20,  
12 is repealed.

13 SECTION 19. 49.163 (2m) (title) of the statutes is created to read:

14 49.163 (2m) (title) ELIGIBILITY FOR PROGRAM.

15 SECTION 20. 49.163 (2m) (d) of the statutes is created to read:

16 49.163 (2m) (d) Except for an individual specified in sub. (5m) (a) 2., sign a  
17 reimbursement agreement under sub. (5m) (a) 1.

18 SECTION 21. 49.163 (3) (a) (intro.) of the statutes, as created by 2013 Wisconsin  
19 Act 20, is renumbered 49.163 (3) (intro.).

20 SECTION 22. 49.163 (3) (a) 1. of the statutes, as created by 2013 Wisconsin Act  
21 20, is renumbered 49.163 (3) (bm).

22 SECTION 23. 49.163 (3) (ac) of the statutes is created to read:

23 49.163 (3) (ac) An individual who requests a transitional job from the person  
24 with which the department has contracted under sub. (4) (bm) to administer the

MOVE TO 6-24

1 program in the county in which the individual resides and who satisfies the eligibility  
 2 criteria under sub. (2)<sup>e (2m)</sup> shall be offered a transitional job under the terms and  
 3 conditions specified in this subsection, if the department has provided sufficient  
 4 funding to the person administering the program in the county in which the  
 5 individual resides. To the extent that requests for transitional jobs by eligible  
 6 individuals exceed the funding available for the jobs, the department shall establish  
 7 a waiting list based on an individual's length of unemployment or underemployment  
 8 and other factors related to an individual's need for work.

\*\*\*\*NOTE: The department is required, in s. 49.163 (4) (bm) (intro.), to contract for the administration of the program in each county, but there is no requirement to provide any funding to a county. Do you want to address this?

9 **SECTION 24.** 49.163 (3) (am) of the statutes is created to read:

10 49.163 (3) (am) Subject to par. (bm)<sup>↓</sup>, an individual may work in a transitional  
 11 job for not more than 6 months and may work in additional transitional jobs as long  
 12 as he or she continues to satisfy the eligibility criteria under sub. (2)<sup>e (2m)</sup>. After working  
 13 in a transitional job, however, an individual is ineligible to work in another  
 14 transitional job for at least 4 weeks.

\*\*\*\*NOTE: You decided to retain par. (bm) (which is current law s. 49.163 (3)(a) 1.) so that DCF could determine and advise DOR of when an individual was finished with the program for purposes of establishing the amount to be recovered through taxes. Since that method is no longer being used to recover payments, you may not want to keep par. (bm). †

15 **SECTION 25.** 49.163 (3) (a) 2. of the statutes, as created by 2013 Wisconsin Act  
 16 20, is renumbered 49.163 (3) (e) and amended to read:

17 49.163 (3) (e) The department shall determine and specify in a contract  
 18 whether a contractor under sub. (4) (bm)<sup>↓</sup> or an employer is the individual's employer  
 19 of record. The employer of record shall pay the individual for hours actually worked  
 20 at not less than the federal or state minimum wage that applies to the individual.

MOVES TO 6-24



Insert 7-5

1 SECTION 33. 49.163 (3) (b) of the statutes, as created by 2013 Wisconsin Act 20,  
2 is repealed.

3 SECTION 34. 49.163 (3) (c) of the statutes is created to read:

4 49.163 (3) (c) While an individual is employed in a transitional job<sup>and</sup> and during  
5 any period of ineligibility between transitional jobs required under par. (am), <sup>an</sup>  
6 individual is required to seek permanent employment, as defined by the department,  
7 in the regular labor market.

8 SECTION 35. 49.163 (3) (d) of the statutes is created to read:

9 49.163 (3) (d) 1. Except as provided in subd. 2., an individual who obtains a  
10 transitional job must work at that job at least 8 hours per week but may not work  
11 at that job more than 30 hours per week.

12 2. An individual working<sup>in</sup> at a transitional job who has other employment in the  
13 regular labor market may not work<sup>in</sup> at the transitional job more hours than would  
14 make his or her total work hours<sup>in</sup> at the transitional job and the other employment  
15 more than 40 hours per week.

16 SECTION 36. 49.163 (3) (f) 1. of the statutes is created to read:

17 49.163 (3) (f) 1. A subsidy equal to the federal minimum wage or the state  
18 minimum wage, whichever is higher, for each hour of work actually performed by the  
19 individual and for which the employer has paid the individual a wage.

20 SECTION 37. 49.163 (4) (title) of the statutes, as created by 2013 Wisconsin Act  
21 20, is repealed and recreated to read:

22 49.163 (4) (title) ADMINISTRATION.

23 SECTION 38. 49.163 (4) (except 49.163 (4) (title)) of the statutes, as created by  
24 2013 Wisconsin Act 20, is renumbered 49.163 (4) (bm), and 49.163 (4) (bm) (intro.)  
25 and 2., as renumbered, are amended to read:

1           49.163 (4) (bm) (intro.) The department ~~may~~ shall contract with ~~any a~~ person  
2 ~~to administer the program under this section~~, including a Wisconsin Works agency;  
3 county department under s. 46.215, 46.22, or 46.23; local workforce development  
4 board established under 29 USC 2832; or community action agency under s. 49.265,  
5 in each county to administer the program in that county. The department, or the  
6 agency or agencies with which the department contracts under this subsection, shall  
7 do all of the following:

8           2. Provide, or identify employers to provide, transitional jobs for individuals  
9 transitioning to unsubsidized employment from unemployment, underemployment,  
10 limited work history, foster care, or other circumstances identified by the  
11 department.

History: 2013 a. 20, 113; s. 13.92 (1) (bm) 2.

12           **SECTION 39.** 49.163 (4) (am) of the statutes is created to read:

13           49.163 (4) (am) The department shall administer the program. In addition to  
14 any other duties specified in this section, the department shall do all of the following:

- 15           1. Promulgate any rules necessary for the operation of the program.
- 16           2. Cooperate with the legislative audit bureau in the performance of audits of  
17 the program, if any.

\*\*\*\*NOTE: Do you want to require regular audits of the program? See the specific  
regular audits under s. 13.94 (1).

August 8-17

18           4. Conduct, or enter into arrangements with independent academic or research  
19 organizations to conduct, periodic evaluations of the effectiveness of the program in  
20 reducing poverty and unemployment; helping unemployed and underemployed  
21 Wisconsin residents gain, through wage-paying employment, the skills needed to  
22 move as quickly as possible into unsubsidized employment; and assisting small  
23 employers in Wisconsin in creating new jobs.

1 SECTION 40. 49.163 (5) of the statutes, as affected by 2013 Wisconsin Acts 20  
2 and 113, is repealed.

3 SECTION 41. 49.163 (5m) of the statutes is created to read:

4 49.163 (5m) REIMBURSEMENTS. (a) 1. To participate in the program, an  
5 individual shall agree, in writing, to reimburse the department for all amounts that  
6 the department pays to an employer or contractor under sub. (3) (f) that are  
7 attributable to the employment of the individual under the program.

8 2. Notwithstanding subd. 1., an individual is not required to sign a  
9 reimbursement agreement or to reimburse the department for amounts paid under  
10 sub. (3) (f) on behalf of the individual if, when the individual requests a transitional  
11 job under sub. (3) (ac), the individual is participating in a trial employment match  
12 program job under s. 49.147 (3), including an individual placed in a trial employment  
13 match program job under s. 49.159 (1) (b) 2.

\*\*\*\*NOTE: Is this what you intended, i.e., that the individual would be participating  
in the trial employment match program at the time they apply for a transitional job, or  
do you want the exception to the reimbursement to apply only to time worked at a  
transitional job while they are participating in the trial employment match program?

Payments for

14 (b) 1. The department shall promulgate rules establishing the terms and  
15 conditions of reimbursement. The rules shall provide for reimbursement by  
16 performance of in-kind services and shall set out the criteria for approving in-kind  
17 reimbursement.

18 2. The department shall credit all reimbursements paid under this subsection  
19 to the appropriation account under s. 20.437 (2) (g).

20 SECTION 42. 49.163 (6) of the statutes, as created by 2013 Wisconsin Act 20, is  
21 repealed.

22 SECTION 43. 49.175 (1) (k) of the statutes, as affected by 2013 Wisconsin Act  
23 113, is repealed.



2009

LRB 4287 / PI

File With Statute **20.005 (3)** Schedule

PJK : \_\_\_\_\_ : \_\_\_\_\_

\$\$\$ SCHEDULE

*Insert 1-3*

In the component bar:

For the action phrase, execute: ..... create → action: → ch20

For the table layout, execute: ..... create → <Table> → \$sched

**SECTION #.** 20.005 (3) (schedule) of the statutes: at the appropriate place,

insert the following amounts for the purposes indicated:

<sup>15-16</sup>  
~~2009-10~~

<sup>16-17</sup>  
~~2010-11~~

20. 437 .. Department of Children  
.. and .. Families .....

(2) .. Economic .. support .....

(em) Transitional Jobs  
.. program .....

50,000,000 100,000,000

20. \_\_\_\_\_ .....

( ) .....

(g) .....

*(end of ins 1-3)*

Insert 2 - 10

Section #. 49.163 (1) (am) of the statutes, as created by 2013 Wisconsin Act 113, is amended to read:

49.163 (1) (am) "Program" means ~~the Transform Milwaukee Jobs program, or~~ the Transitional Jobs program, under this section.

History: 2013 a. 20, 113; s. 13.92 (1) (bm) 2.

(end of insert 2-10)

2013-2014 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-4287/ins  
PJK:.....

*rm not run*

INSERT 7-5

1 *wof* unless the individual has other employment in the regular labor market for at  
2 least 20 hours per week, the

(END OF INSERT 7-5)

INSERT 8-17

3 *gt* 3. Annually, submit a report on the operation of the program to the legislature  
4 under s. 13.172 (2) and to the governor.

(END OF INSERT 8-17)

**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-4287/P1  
PJK:.....  
n m not sure WJ

Date

Because it is difficult to tell how the statute will look when statutory units are amended and repealed and renumbered, etc., you may decide that you would rather repeal and recreate s. 49.163. That way you can see what the entire new statute will look like.

Your proposed bill draft did not address s. 49.163 (5) and (6). I repealed both of those subsections. Subsection (6) is inconsistent with the requirement to promulgate rules under proposed s. 49.163 (4) (am) 1., but sub. (5) could remain. Let me know if you did not intend for both of them to be repealed.

Pamela J. Kahler  
Senior Legislative Attorney  
Phone: (608) 266-2682  
E-mail: pam.kahler@legis.wisconsin.gov

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-4287/P1dn  
PJK:wlj:jf

February 27, 2014

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