



State of Wisconsin  
2019 - 2020 LEGISLATURE

LRB-0654/P3  
EAW:kjf&cjs

DOA:.....Rice, BB0042 - W-2 TEMP changes

**FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION**

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

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*Analysis by the Legislative Reference Bureau*

**HEALTH AND HUMAN SERVICES**

**WISCONSIN WORKS**

***1. W-2 work experience programs***

Under current law, the Wisconsin Works (W-2) program provides, among other things, work experience and benefits for low-income custodial parents who are at least 18 years old. One W-2 work experience program is known under current law as the "Trial Employment Match Program," or "TEMP." Under current law, participants in TEMP are placed in a job and the agency administering the W-2 program subsidizes the participants' employment for up to 40 hours per week. This bill changes the name of TEMP to "Subsidized Employment Placement," removes the 40-hour per week maximum subsidy, and allows a W-2 agency to negotiate with the employer a maximum number of hours per week for which the participant is eligible to receive a subsidy. This bill also removes the current 24-month participation limit for TEMP and community service and transitional placement jobs, which are also under W-2.

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

**SECTION 1.** 49.141 (1) (n) of the statutes is renumbered 49.141 (1) (Lm) and amended to read:

49.141 (1) (Lm) ~~“Trial employment match program job~~ “Subsidized employment placement” means a work component of Wisconsin Works administered under s. 49.147 (3).

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

49.143 (2r) JOB PROGRAMS. A Wisconsin Works agency shall collaborate with the local workforce development board to connect individuals seeking employment with employment opportunities, including ~~the trial employment match program~~ subsidized employment placement under s. 49.147 (3).

**SECTION 3.** 49.147 (1m) (b) of the statutes is amended to read:

49.147 (1m) (b) If the Wisconsin Works agency determines that the appropriate placement for an individual is in unsubsidized employment or a ~~trial employment match program job~~ subsidized employment placement and that the individual needs and wishes to pursue basic education, including a course of study meeting the standards established under s. 115.29 (4) (a) for the granting of a declaration of equivalency of high school graduation, the Wisconsin Works agency shall pay for the basic education services identified in the employability plan developed for the individual.

**SECTION 4.** 49.147 (2) (am) 2. of the statutes is amended to read:

49.147 (2) (am) 2. A Wisconsin Works agency shall, every 30 days, review the provision of case management services to an individual under this paragraph, if the individual is not successful in obtaining unsubsidized employment after legitimate efforts to secure employment, to determine whether the individual should be placed in a ~~trial employment match program job~~ subsidized employment placement,

community service job, or transitional placement. The department shall promulgate rules that specify the criteria for the review process under this subdivision.

**SECTION 5.** 49.147 (3) (title) of the statutes is amended to read:

49.147 (3) (title) ~~TRIAL~~ SUBSIDIZED EMPLOYMENT MATCH PROGRAM PLACEMENT.

**SECTION 6.** 49.147 (3) (a) of the statutes is amended to read:

49.147 (3) (a) *Administration.* A Wisconsin Works agency shall administer a ~~trial employment match program~~ subsidized employment placement as part of its administration of the Wisconsin Works program to improve the employability of individuals who otherwise are not able to obtain unsubsidized employment, as determined by the Wisconsin Works agency, by providing work experience and training to assist them to move promptly into unsubsidized employment. In determining an appropriate placement for a participant, a Wisconsin Works agency shall give priority to placement under this subsection over placements under subs. (4) and (5).

**SECTION 7.** 49.147 (3) (ac) (intro.) of the statutes is amended to read:

49.147 (3) (ac) *Employer subsidies and reimbursements.* (intro.) The Wisconsin Works agency shall pay to an employer that employs a participant under this subsection a wage subsidy in an amount that is negotiated between the Wisconsin Works agency and the employer but that is not more than the state or federal minimum wage that applies to the participant. The wage subsidy shall be paid for each hour that the participant actually works, up to a maximum of ~~40 hours~~ number of hours per week, as negotiated between the Wisconsin Works agency and the employer. The employer shall pay the participant any difference between the wage subsidy amount and the participant's wage and must pay the participant at least minimum wage. In addition to paying the wage subsidy, the Wisconsin Works

agency may, as negotiated between the Wisconsin Works agency and the employer, reimburse the employer for all or a portion of other costs that are attributable to the employment of the participant, including any of the following:

**SECTION 8.** 49.147 (3) (am) of the statutes is amended to read:

49.147 (3) (am) *Education or training activities.* A ~~trial employment match program job~~ subsidized employment placement includes education and training activities, as prescribed by the employer as an integral part of work performed in ~~trial employment match program~~ the subsidized employment placement.

**SECTION 9.** 49.147 (3) (c) of the statutes is amended to read:

49.147 (3) (c) *Time-limited participation.* A participant under this subsection may participate in a ~~trial employment match program job~~ subsidized employment placement for a maximum of 6 months, with an opportunity for a 3-month extension under circumstances determined by the Wisconsin Works agency. A participant may participate in more than one ~~trial employment match program job~~ subsidized employment placement, but may not exceed a total of 24 months of participation under this subsection. The months need not be consecutive. The department or, with the approval of the department, the Wisconsin Works agency may grant an extension of the 24-month limit on a case-by-case basis if the participant has made all appropriate efforts to find unsubsidized employment and has been unable to find unsubsidized employment because local labor market conditions preclude a reasonable job opportunity for that participant, as determined by a Wisconsin Works agency and approved by the department.

\*\*\*NOTE: This is reconciled s. 49.147 (3) (c). This SECTION has been affected by drafts with the following LRB numbers: -0654/P1 and -1935/P1.

**SECTION 10.** 49.147 (4) (a) of the statutes is amended to read:

49.147 (4) (a) *Administration.* A Wisconsin Works agency shall administer a community service job program as part of its administration of Wisconsin Works to improve the employability of an individual who is not otherwise able to obtain employment, as determined by the Wisconsin Works agency, by providing work experience and training, if necessary, to assist the individual to move promptly into unsubsidized public or private employment or a ~~trial employment match program job~~ subsidized employment placement. In determining an appropriate placement for a participant, a Wisconsin Works agency shall give placement under this subsection priority over placements under sub. (5). Community service jobs shall be limited to projects that the department determines would serve a useful public purpose or projects the cost of which is partially or wholly offset by revenue generated from such projects. After each 6 months of an individual's participation under this subsection and at the conclusion of each assignment under this subsection, a Wisconsin Works agency shall reassess the individual's employability.

**SECTION 11.** 49.147 (4) (b) of the statutes is amended to read:

49.147 (4) (b) *Time-limited participation.* An individual may participate in a community service job for a maximum of 6 months, with an opportunity for a 3-month extension under circumstances approved by the department. An individual may participate in more than one community service job, ~~but may not exceed a total of 24 months of participation under this subsection.~~ The months need not be consecutive. ~~The department or, with the approval of the department, the Wisconsin Works agency may grant an extension to the 24-month limit on a case-by-case basis if the Wisconsin Works agency determines that the individual has made all appropriate efforts to find unsubsidized employment and has been unable to find unsubsidized employment because local labor market conditions~~

~~preclude a reasonable employment opportunity in unsubsidized employment for that participant, as determined by a Wisconsin Works agency and approved by the department, and if the Wisconsin Works agency determines, and the department agrees, that no trial employment match program job opportunities are available in the specified local labor market.~~

\*\*\*\*NOTE: This is reconciled s. 49.147 (4) (b). This SECTION has been affected by drafts with the following LRB numbers: -0654/P1 and -1935/P1.

**SECTION 12.** 49.147 (5) (a) 3. of the statutes is amended to read:

49.147 (5) (a) 3. The Wisconsin Works agency determines that the individual is incapable of performing a ~~trial employment match program job~~ subsidized employment placement or community service job.

**SECTION 13.** 49.147 (5) (b) 1. (intro.) of the statutes is renumbered 49.147 (5) (b) (intro.).

\*\*\*\*NOTE: This is reconciled s. 49.147 (5) (b) 1 (intro.). It only relates to changes made in LRB-1935/P2.

**SECTION 14.** 49.147 (5) (b) 1. a. to d. of the statutes are renumbered 49.147 (5) (b) 1m. to 4m.

\*\*\*\*NOTE: This is reconciled s. 49.147 (5) (b) 1. a. to d. It only relates to changes made in LRB-1935/P2.

**SECTION 15.** 49.147 (5) (b) 2. of the statutes is repealed.

\*\*\*\*NOTE: This is reconciled s. 49.147 (5) (b) 2. It is only connected to LRB-1935/P2.

**SECTION 16.** 49.148 (1) (a) of the statutes is amended to read:

49.148 (1) (a) ~~Trial employment match program jobs~~ *Subsidized employment placement*. For a participant in a ~~trial employment match program job~~ subsidized employment placement, the amount established in the contract between the Wisconsin Works agency and the ~~trial employment match program job~~ subsidized employment placement employer, but not less than minimum wage for every hour

actually worked in the ~~trial employment match program job~~ subsidized employment placement, not to exceed 40 hours the maximum number of allowable hours per week, as negotiated between the Wisconsin Works agency and the employer, paid by the employer. Hours spent participating in education and training activities under s. 49.147 (3) (am) shall be included in determining the number of hours actually worked.

**SECTION 17.** 49.148 (1) (c) of the statutes is amended to read:

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

\*\*\*\*NOTE: This is reconciled s. 49.148 (1) (c). It only relates to changes made in LRB-1935/P2.

**SECTION 18.** 49.148 (1m) (c) (intro.) of the statutes is amended to read:

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

\*\*\*\*NOTE: This is reconciled s. 49.148 (1m) (c) (intro.). It is only connected to LRB-1935/P2.

**SECTION 19.** 49.161 (1) (title) of the statutes is amended to read:

49.161 (1) (title) ~~TRIAL EMPLOYMENT MATCH PROGRAM JOBS~~ SUBSIDIZED EMPLOYMENT PLACEMENT OVERPAYMENTS.

**SECTION 20.** 71.07 (2dx) (a) 5. of the statutes is amended to read:

71.07 (2dx) (a) 5. “Member of a targeted group” means a person who resides in an area designated by the federal government as an economic revitalization area, a person who is employed in an unsubsidized job but meets the eligibility requirements under s. 49.145 (2) and (3) for a Wisconsin Works employment position, or a person who is employed in a trial job, as defined in s. 49.141 (1) (n), 2011 stats., ~~or in a trial employment match program job~~ subsidized employment placement, as defined in s. 49.141 (1) (n) (Lm), a person who is eligible for child care assistance under s. 49.155, a person who is a vocational rehabilitation referral, an economically disadvantaged youth, an economically disadvantaged veteran, a supplemental security income recipient, a general assistance recipient, an economically disadvantaged ex-convict, a qualified summer youth employee, as defined in [26 USC 51](#) (d) (7), a dislocated worker, as defined in [29 USC 2801](#) (9), or a food stamp recipient, if the person has been certified in the manner under s. 71.07 (2dj) (am) 3., 2013 stats., by a designated local agency, as defined in s. 71.07 (2dj) (am) 2., 2013 stats.

**SECTION 21.** 71.28 (1dx) (a) 5. of the statutes is amended to read:

71.28 (1dx) (a) 5. “Member of a targeted group” means a person who resides in an area designated by the federal government as an economic revitalization area, a person who is employed in an unsubsidized job but meets the eligibility requirements under s. 49.145 (2) and (3) for a Wisconsin Works employment position, a person who is employed in a trial job, as defined in s. 49.141 (1) (n), 2011 stats., or in a trial employment match program job subsidized employment placement, as defined in s. 49.141 (1) (n) (Lm), a person who is eligible for child care assistance under s. 49.155, a person who is a vocational rehabilitation referral, an economically disadvantaged youth, an economically disadvantaged veteran, a supplemental

security income recipient, a general assistance recipient, an economically disadvantaged ex-convict, a qualified summer youth employee, as defined in [26 USC 51 \(d\) \(7\)](#), a dislocated worker, as defined in [29 USC 2801 \(9\)](#), or a food stamp recipient, if the person has been certified in the manner under s. 71.28 (1dj) (am) 3., 2013 stats., by a designated local agency, as defined in s. 71.28 (1dj) (am) 2., 2013 stats.

**SECTION 22.** 71.47 (1dx) (a) 5. of the statutes is amended to read:

71.47 (1dx) (a) 5. “Member of a targeted group” means a person who resides in an area designated by the federal government as an economic revitalization area, a person who is employed in an unsubsidized job but meets the eligibility requirements under s. 49.145 (2) and (3) for a Wisconsin Works employment position, a person who is employed in a trial job, as defined in s. 49.141 (1) (n), 2011 stats., or in a ~~trial employment match program job~~ subsidized employment placement, as defined in s. 49.141 (1) (n) (Lm), a person who is eligible for child care assistance under s. 49.155, a person who is a vocational rehabilitation referral, an economically disadvantaged youth, an economically disadvantaged veteran, a supplemental security income recipient, a general assistance recipient, an economically disadvantaged ex-convict, a qualified summer youth employee, as defined in [26 USC 51 \(d\) \(7\)](#), a dislocated worker, as defined in [29 USC 2801 \(9\)](#), or a food stamp recipient, if the person has been certified in the manner under s. 71.47 (1dj) (am) 3., 2013 stats., by a designated local agency, as defined in s. 71.47 (1dj) (am) 2., 2013 stats.

**SECTION 23.** 76.636 (1) (e) 3. of the statutes is amended to read:

76.636 (1) (e) 3. A person who is ~~employed in a trial job, as defined in s. 49.141 (1) (n), 2011 stats., or in a trial employment match program job~~ subsidized employment placement, as defined in s. 49.141 (1) (n) (Lm).

**SECTION 24.** 102.07 (17m) of the statutes is amended to read:

102.07 (17m) A participant in a ~~trial employment match program job~~ subsidized employment placement under s. 49.147 (3) is an employee of any employer under this chapter for whom the participant is performing service at the time of the injury.

**SECTION 25.** 238.30 (4m) of the statutes is amended to read:

238.30 (4m) “Member of a targeted group” means a person who resides in an area designated by the federal government as an economic revitalization area, a person who is employed in an unsubsidized job but meets the eligibility requirements under s. 49.145 (2) and (3) for a Wisconsin Works employment position, a person who is ~~employed in a trial job, as defined in s. 49.141 (1) (n), 2011 stats., or in a trial employment match program job~~ subsidized employment placement, as defined in s. 49.141 (1) (n) (Lm), a person who is eligible for child care assistance under s. 49.155, a person who is a vocational rehabilitation referral, an economically disadvantaged youth, an economically disadvantaged veteran, a supplemental security income recipient, a general assistance recipient, an economically disadvantaged ex-convict, a dislocated worker, as defined in [29 USC 2801](#) (9), or a food stamp recipient, if the person has been certified in the manner under [26 USC 51](#) (d) (13) (A) by a designated local agency, as defined in [26 USC 51](#) (d) (12).

(END)