

**1999 DRAFTING REQUEST**

**Bill**

Received: **11/9/98**

Received By: **yacketa**

Wanted: **As time permits**

Identical to LRB:

For: **Administration-Budget**

By/Representing: **Sajna**

This file may be shown to any legislator: **NO**

Drafter: **yacketa**

May Contact:

Alt. Drafters:

Subject: **Public Assistance - Wis works**

Extra Copies:

**Topic:**

DOA:.....Sajna - W-2 education activities

**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>
/P1	yacketa 11/11/98	chanaman 11/13/98	martykr 11/13/98	_____	lrb_docadmin 11/16/98		Local

FE Sent For:

<END>

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*priority = high*

*Please Submit*

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1?	yacketa	1/1-11-12 KMG	1/11/13	1/11/13			

FE Sent For:

<END>

11/04/98

**FY99-01 BIENNIAL BUDGET****STATUTORY LANGUAGE PROPOSAL FORMAT**

Division: Economic Support  
Appropriation: 20.445(3)  
Issue: Wisconsin Works (W-2); Education activities  
Contact: Leonor Rosas DeLeon, Director  
Bureau of Welfare Initiatives

**PROBLEM**

Wisconsin Works (W-2) agencies are required, under administrative rules (DWD 12.15), to make an initial assessment of each participant prior to placement in a W-2 employment position (trial jobs, community service jobs (CSJs) and W-2 Transitions) and to develop an employability plan for a W-2 participant which includes required work and education and training activities. It is clear in the statutes that participants in CSJs and W-2 Transitions may be required to participate in 10 and 12 hours per week respectively in education and training activities. However, it is not clear that participation in appropriate education and training activities determined by the W-2 agency's assessment and outlined in the individual's employability plan for all W-2 participants should be paid for by the W-2 agencies under the Wisconsin Works Implementation Contract including those participating in unsubsidized employment and trial jobs.

**PROPOSED CHANGE**

Amend s.49.147(2)(a)2 and (3)(am), Stats., to make clear that a W-2 participant who is participating in unsubsidized employment or has been determined capable of participating in unsubsidized employment and is receiving case management services or who is participating in a trial job must have his or her basic education needs assessed. If basic education (e.g., GED/HSED classes) is needed and the client wants to participate in basic education, the W-2 agency must include this in the individual's employability plan and must pay for identified basic education services out of current contract dollars.

**EXPLANATORY NOTE**

The Department's intent is that W-2 agencies complete an assessment for all W-2 participants, including those who are participating in unsubsidized employment or determined capable of participating in unsubsidized employment and receiving case management services, to determine basic education needs and, if basic education activities are needed, that W-2 agencies pay for the needed activities.

**FISCAL IMPACT**

None.

**DESIRED EFFECTIVE DATE**

Upon enactment.



Soon | D-NOTE  
State of Wisconsin  
1999 - 2000 LEGISLATURE

LRB-0787/P1

TAY.....

KMR/Jan H. King

DOA:.....Sajna - W-2 education activities

FOR 1999-01 BUDGET - NOT READY FOR INTRODUCTION

1 AN ACT <sup>don't gen. Sect.</sup> relating to: the budget.

*Analysis by the Legislative Reference Bureau*

**HEALTH AND HUMAN SERVICES**

**WISCONSIN WORKS**

This bill requires a Wisconsin works (W-2) agency to assess the educational needs of an individual whom the W-2 agency proposes to place in unsubsidized employment or a trial job (a subsidized work experience). Under the bill, if the W-2 agency determines that the individual needs basic education, such as courses leading to the granting of the equivalent of a high school diploma, and if the individual wishes to pursue the basic education, the W-2 agency must make basic education a part of an employability plan that the W-2 agency develops for the individual. The bill requires the W-2 agency to pay for the basic education services. <sup>Sect.</sup>

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

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

2 SECTION 1. 49.147 (1m) of the statutes is created to read:

3 49.147 (1m) EDUCATIONAL NEEDS ASSESSMENT. Upon determining that the

4 appropriate placement for an individual in unsubsidized employment or a trial job,

1 the Wisconsin works agency shall conduct an educational needs assessment of the  
 2 individual. If the Wisconsin works agency determines that the individual needs  
 3 basic education, including a course of study meeting the standards established under  
 4 s. 115.29 (4) for the granting of a declaration of equivalency of high school graduation,  
 5 and if the individual wishes to pursue basic education, the Wisconsin works agency shall  
 6 include in an employability plan developed for the individual ~~basic education~~. The  
 7 Wisconsin works agency shall pay for the basic education services identified in the  
 8 employability plan.

(END)

SEC. 9357 initial applicability; workforce development. (1m)  
 (b) (c) UNDER WISCONSIN WORKS  
 (#) BASIC EDUCATION. The creation of section 49.147 (1m) of  
 the statutes first applies to contracts to administer  
 Wisconsin works that are entered into or renewed on  
 the effective date of this subsection.  
 treatment

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

LRB-0787/P1dn

TAY.....:..

*cmf, King*

Jennifer Sajna:

The instructions indicate that the current contracts do not make it clear that W-2 agencies are expected to pay for basic education services needed by participants who are in case management only or in trial jobs. Of course, this is a problem with the contracts more than the statutes. To address a contract infirmity by statute raises impairment of contract issues if, as the instructions indicate, the intent is to impose this new requirement on current contracts. I have therefore included an initial applicability section to apply the change to contracts entered into or renewed on or after the effective date of the budget.

If you have any questions, please call me.

Tina A. Yacker  
Legislative Attorney  
261-6927

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

LRB-0787/P1dn  
TAY:cmh&kmg:km

November 13, 1998

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Legislative Attorney  
261-6927



State of Wisconsin  
1999 - 2000 LEGISLATURE

LRB-0787/P1  
TAY:cmh&kmg:km

DOA:.....Sajna - W-2 education activities

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

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

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7 The Wisconsin works agency shall pay for the basic education services identified in  
8 the employability plan.

9 **SECTION 9357. Initial applicability; workforce development.**

10 (1) BASIC EDUCATION UNDER WISCONSIN WORKS. The treatment of section 49.147  
11 (1m) of the statutes first applies to contracts to administer Wisconsin works that are  
12 entered into or renewed on the effective date of this subsection.

13 (END)

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**NOTE TO DRAFTING FILE for LRB-0787:**

Per the drafter, this draft has been redrafted to a “/1” as no problems remain in the draft that require resolution before introduction of the budget bill. There are no changes between the “/PX” and the “/1.”

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