

1999 DRAFTING REQUEST

Assembly Amendment (AA-AB133)

Received: **06/5/99**

Received By: **yacketa**

Wanted: **As time permits**

Identical to LRB:

For: **Legislative Fiscal Bureau**

By/Representing: **Simpson**

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

Drafter: **yacketa**

May Contact:

Alt. Drafters:

Subject: **Public Assistance - Wis works**

Extra Copies:

Pre Topic:

LFB:.....Simpson -

Topic:

Partial CSJs and repeal wage-paying community service jobs

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>
/1	yacketa 06/7/99	wjackson 06/7/99	martykr 06/8/99	_____	lrb_docadmin 06/8/99		
/2	yacketa 06/11/99	wjackson 06/12/99	martykr 06/12/99	_____	lrb_docadmin 06/12/99		
/3	yacketa 06/13/99	ygeller 06/13/99	haugeca 06/13/99	_____	lrb_docadmin 06/13/99		

FE Sent For:

<END>

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/2	yacketa 06/11/99	wjackson 06/12/99	martykr 06/12/99	_____	lrb_docadmin 06/12/99		

Handwritten notes:
 13 6/12/99
 CH L-B CH 7/6/99

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12 6/12 WLJ

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1?	yacketa	1 6/7 WLJ	Km/4	cb Km/4			

FE Sent For:

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23. LFB Paper #1089. Alternative 2a. Increase funding for child care start-up and expansion grants by \$33,600 FED annually to reflect historical expenditures.

24. LFB Paper #1089. Alternative 2b. Decrease funding for child care quality improvement grants by \$300,000 FED annually to reflect expenditures in recent years.

25. LFB Paper #1089. Alternative 2c. Decrease funding for the local child care resource and referral (CCRR) agencies by \$300,000 FED annually to reflect recent changes in activity.

26. LFB Paper #1089. Alternative 3b. Eliminate the local child care resource and referral grant program and decrease funding by \$3,400,000 FED annually. Instead, provide \$1,000,000 FED annually for grants to address problems associated with child care for sick children.

27. LFB Paper #1089. Alternative 3d. Eliminate the revolving loan program for child care start-up and expansion and decrease funding by \$3,200,000 FED in 1999-00.

28. LFB Paper #1089. Alternative 3e. Eliminate the child care careers education program and decrease funding by \$1,000,000 FED in 1999-00 and \$2,500,000 FED in 2000-01.

29. LFB Paper #1090. Alternative 2. Maintain current law regarding local child care administration.

30. LFB Paper #1091. Alternative 2. Delete the Governor's recommendation and allow the child care careers coordinator position to terminate on December 31, 1999. Reduce funding by \$22,800 FED in 1999-00 and \$45,600 FED in 2000-01 to reflect the elimination of the position.

31. LFB Paper #1092. Alternative 2. Eliminate the Governor's provision. Instead, modify current law relating to partial community service job (CSJ) placements by specifying in the statutes that the monthly grant amount would be prorated as follows: (a) for an assignment of work activities up to 10 hours per week, the grant amount would be prorated by 1/3; (b) for an assignment of work activities of 10 to 15 hours per week, by 1/2; (c) for an assignment of work activities of 15 to 20 hours per week, by 2/3; and (d) for an assignment of work activities in excess of 20 hours per week, the grant amount would be \$673. Specify that the grant amount would be based on the financial employment planner's determination of the appropriate number of hours for a participant at the time of the application process or a regularly-scheduled review. Require DWD to implement the partial CSJ provisions within three months after the bill's general effective date.

32. LFB Paper #1093. Delete the Governor's recommendation and repeal the current provisions regarding the wage-paying community service job pilot program in Milwaukee County.

33. LFB Paper #1095. Alternative 2. Modify the bill to eliminate the current 60-day residency requirement, and instead specify that, in order to be eligible for a W-2 subsidized employment position or job access loan, an individual must be a resident of Wisconsin. Under this option, if the Department determines through monitoring of the program and with specific data that

GMM

TAY
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No draft?

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Legislative Fiscal Bureau

One East Main, Suite 301 • Madison, WI 53703 • (608) 266-3847 • Fax: (608) 267-6873

June 1, 1999

Joint Committee on Finance

Paper #1092

TANF

Partial Community Service Job Participation (DWD -- Economic Support and Child Care)

[LFB 1999-01 Budget Summary: Page 681, #7]

CURRENT LAW

Under current law, Wisconsin Works (W-2) agencies may assign a participant in a community service job (CSJ) placement under the program to work activities for up to 30 hours per week, and to additional educational and training activities for up to 10 hours per week. A participant in a CSJ receives a monthly grant of \$673. The grant is reduced by \$5.15 for every hour that the participant misses work or education or training activities without good cause. If a CSJ participant is required to work fewer than 30 hours per week because the participant has unsubsidized employment, the grant amount may be reduced by a prorated amount equal to the product of \$5.15 and the difference between 30 and the number of hours the participant is required to work in the CSJ.

GOVERNOR

Provide that, if a participant in a community service job is required to work fewer than 30 hours per week because the participant has unsubsidized employment, the W-2 agency may reduce the monthly grant in accordance with a schedule developed by the Department of Workforce Development (DWD) by rule.

DISCUSSION POINTS

1. The Legislature approved the partial CSJ provisions under 1997 Act 27 (the 1997-99 biennial budget). These provisions apply only to participants who have part-time unsubsidized jobs.

2. The \$637 monthly cash benefit for a CSJ participant (on an annualized basis, assuming participation for 30 hours per week) is equivalent to \$5.18 per hour, which is slightly higher than the current minimum wage of \$5.15 per hour. A CSJ participant who is assigned to 20 hours of work per week would be paid the equivalent wage of \$7.76 per hour. Without the ability to prorate the CSJ grant for participants who already have a part-time job, the W-2 agency could be faced with a difficult choice. If the agency requires the participant to work in the CSJ job for 30 hours per week, it could jeopardize the participant's ability to maintain the unsubsidized job. If fewer hours are required for the CSJ, the equivalent wage could increase to the point where the CSJ is more attractive than additional unsubsidized work. Both of these outcomes would be contrary to the intent of the W-2 program.

3. According to DWD, the ability for W-2 agencies to provide a partial CSJ grant has not yet been implemented primarily because this provision required changes to the CARES computer system which could not be made simultaneously with other system modifications. Consequently, changes in the system that are needed to implement the partial CSJ have been delayed while the Department has been working on the BadgerCare program, Y2K and the welfare-to-work program. W-2 agencies were prohibited from manually prorating the grant amount because the Department determined that a manual calculation would be error prone, coordinating the payment with the food stamp calculation would be difficult, and there would be an inability to track the data for federal reporting purposes.

4. The Department believes that the current provision requires a complicated calculation of the partial CSJ grant, even with automation. Under current law, the calculation of the benefit amount for partial CSJ participants could result in 30 different grant amounts, depending on the number of hours assigned to various participants.

5. Furthermore, the calculation is based on the number of hours of work activity that a participant is assigned, which could fluctuate on a weekly basis. All other benefits for trial job subsidies, community service jobs and transitional placements fluctuate from month to month based only on participant sanctions or a change in the placement category for the participant (from a transitional placement to a CSJ, for example). When a financial employment planner (FEP) adjusts the required hours of participation in a CSJ assignment for a participant, the overall benefit amount does not change. Under the current calculation for the partial CSJ, however, the FEP would have to modify the benefit amount each week for the participant, increasing chances for error and resulting in additional administrative procedures.

6. Under the Governor's proposal, the Department would determine the benefit amount for partial CSJ placements by rule. Adopting the Governor's proposal would give a significant amount of flexibility to the Department to establish a schedule of benefits for partial CSJ participants.

7. All other benefits for W-2 employment positions are specified statutorily. It can be argued that the benefit amounts are of critical importance to the entire W-2 program and changes to the benefits should only be made with approval of the Legislature. Therefore, the benefit amount

for the partial community service job should also be specified in the statutes.

8. The Committee could consider specifying in the statutes a schedule of benefits that would be easier for the Department and the W-2 agencies to administer. Under this option, a W-2 agency would be allowed to place an individual who has a part-time unsubsidized job into a partial CSJ placement. This placement would differ from any other CSJ placement only in the calculation of the grant amount. The grant amount for a partial CSJ placement would be based on the FEP's determination of the appropriate number of hours for a participant at the time of the application process. Once determined, the benefit amount would not change for short-term fluctuations in the number of hours of required work activity. Rather, the benefit would only change based on a regularly-scheduled case review by the FEP. Four benefit amounts could be provided as follows:

a. If the FEP determined that it was appropriate to assign a participant up to 10 hours of work activity per week, the grant amount would be prorated by 1/3, (10 hours = 1/3 of 30 hours), and the monthly benefit amount would be \$224 (1/3 of \$673);

b. For an assignment of greater than 10 and up to 15 hours of work activity per week, the grant would be prorated by 1/2, and the monthly benefit would be \$337;

c. For an assignment of greater than 15 and up to 20 hours of work activity per week, the grant would be prorated by 2/3, and the benefit amount would be \$449; and

d. For an assignment of more than 20 hours of participation per week, the grant amount would be \$673.

9. Maintaining current law would provide for a more precise calculation of the individual's benefit amount and would allow for weekly fluctuations in the number of hours a participant might be assigned to work activities that could take into consideration the participant's work schedule in his or her unsubsidized job.

10. However, under the above schedule of benefits, the FEP could still assign various work hours if the FEP determined it was reasonable to do so. This would be consistent with other W-2 employment positions in that each participant in an employment position may receive the same grant amount but have different required hours of work activity depending on individual circumstances. Moreover, having a schedule of benefits would provide for a less complicated calculation of the grant amount, would be easier to administer and would meet the goal of allowing the W-2 agency to provide a partial grant to an individual who has an unsubsidized job.

ALTERNATIVES

1. Approve the Governor's proposal to allow a W-2 agency to reduce the monthly grant for a participant in a community service job that is required to work fewer than 30 hours per week because the participant has an unsubsidized job in accordance with a schedule developed by the

Department by rule.

2. Eliminate the Governor's provision. Instead, modify current law relating to partial CSJ placements by specifying in the statutes that the monthly grant amount would be prorated as follows: (a) for an assignment of work activities up to 10 hours per week, the grant amount would be prorated by 1/3; (b) for an assignment of work activities of 10 to 15 hours per week, by 1/2; (c) for an assignment of work activities of 15 to 20 hours per week, by 2/3; and (d) for an assignment of work activities in excess of 20 hours per week, the grant amount would be \$673. Specify that the grant amount would be based on the financial employment planner's determination of the appropriate number of hours for a participant at the time of the application process or a regularly-scheduled review.

3. Maintain current law. Under this option, if a participant in a community service job is required to work fewer than 30 hours per week because the participant has unsubsidized employment the grant amount may be reduced by a prorated amount equal to the product of \$5.15 and the difference between 30 and the number of hours the participant is required to work.

Prepared by: Joanne T. Simpson



Legislative Fiscal Bureau

One East Main, Suite 301 • Madison, WI 53703 • (608) 266-3847 • Fax: (608) 267-6873

June 1, 1999

Joint Committee on Finance

Paper #1093

TANF

Wage-Paying Community Service Job (DWD -- Economic Support and Child Care)

[LFB 1999-01 Budget Summary: Page 682, #8]

CURRENT LAW

Current law regarding the Wisconsin Works (W-2) program provides for both grant-paying community service jobs (CSJs) and wage-paying CSJs, as described below.

Grant-Paying CSJs. Participants assigned to a grant-paying CSJ are not paid an hourly wage. Rather, CSJ participants receive a cash grant of \$673 per month. The grant amount is reduced by \$5.15 for every hour that the participant misses required work or educational activities without good cause.

Community service jobs are intended to provide work experience and training to participants, and are limited to projects that the Department of Workforce Development (DWD) determines would serve a useful public purpose or to projects whose cost is wholly or partially offset by revenue generated by such projects. The W-2 agency may require a CSJ participant to work up to 30 hours per week in the CSJ assignment, and to participate in educational and training activities for up to 10 hours per week, for a total of 40 hours per week. Educational and training activities include a course of study for a GED or high school equivalency, technical college courses and educational courses that provide an employment skill.

Participants in grant-paying CSJs are not eligible for the federal or the state earned income tax credit (EITC) because the cash benefit is considered a form of public assistance, rather than a wage. Likewise, the cash grants are not subject to federal and state income and payroll taxes. In addition, state law prohibits participants in community service jobs from being eligible for the homestead tax credit.

Wage-Paying CSJ Pilot Program. Current law provides for a wage-paying CSJ pilot program. Under this program, the Department is required to allow two W-2 agencies in Milwaukee County to place W-2 participants into wage-paying community service jobs. Each agency is allowed to contract with a nonprofit, nonstock corporation to provide employment for a wage-paying CSJ participant. The W-2 agency is required to reimburse the employer for the amounts paid by the employer for the wages and payroll taxes of the participant. In addition, the W-2 agency is required to provide the participant with worker's compensation coverage, unless the employer for whom the participant is performing work provides worker's compensation.

A participant in a wage-paying CSJ would receive the minimum wage for every hour actually worked in the community service job not to exceed 15 hours per week. A wage-paying CSJ participant is not explicitly prohibited from obtaining the state earned income tax credit.

Under the pilot program, a W-2 agency may not place an individual into a wage-paying CSJ unless the individual is working at least 15 hours per week in an unsubsidized job. The W-2 agency may require a participant in a wage-paying CSJ to work either 15 hours per week, or the difference between 40 hours and the number of hours the participant works in an unsubsidized job, whichever is less.

An individual would be allowed to participate in a particular wage-paying community service job for a maximum of three months, with an opportunity for a one-month extension under circumstances approved by the Department. An individual would be allowed to participate in more than one wage-paying community service job, but could not exceed 24 months of participation. The Department may approve an extension to the 24-month limit on a case-by-case basis if the W-2 agency determines that the individual has made all appropriate efforts to find unsubsidized employment and has been unable to find a job due to local labor market conditions.

The current law provisions pertaining to the wage-paying community service job pilot program became effective on February 1, 1999, and will sunset on September 30, 2001.

GOVERNOR

Expand the wage-paying community service job pilot program statewide beginning on January 1, 2001, and eliminate the sunset date for the program.

A W-2 agency would be allowed to place an individual into a wage-paying community service job if the agency determines that the individual is qualified for unsubsidized employment but has been unable to obtain full-time unsubsidized employment despite reasonable efforts on the part of the individual. This provision would take effect on the bill's general effective date.

The bill would limit the number of participants in wage-paying CSJs at any given time to 2,500 statewide, allocated among the W-2 agencies based on a formula determined by the Department. The W-2 agency could require a wage-paying CSJ participant to work in a

community service job for a maximum of 30 hours per week and to participate in job search activities for a maximum of 10 hours per week. A participant who refuses three times to participate in job search activities, without good cause, would be ineligible to participate in the wage-paying CSJ component.

A participant in a wage-paying community service job would receive the minimum wage for every hour actually worked in the community service job, not to exceed 30 hours per week. The Governor's proposal would specify that the income earned under a wage-paying CSJ would be excluded from the calculation of the state earned income tax credit.

As under current law, the agency would be allowed to contract with a nonprofit, nonstock corporation to provide employment for a wage-paying CSJ participant. The W-2 agency would be required to reimburse the employer for the amounts paid by the employer for the wages and payroll taxes of the participant. In addition, the W-2 agency would be required to provide the participant with worker's compensation coverage unless the employer for whom the participant is performing work provides worker's compensation.

Also, as under current law, a participant would be allowed to participate in a particular CSJ placement for up to three months, with the opportunity for a one-month extension under circumstances approved by the Department. An individual could participate in more than one CSJ, but generally could not exceed a total of 24 months of participation in all CSJ placements, unless approved by the Department on a case-by-case basis.

Except for the modification to the eligibility requirements, these provisions would take effect on January 1, 2001.

DISCUSSION POINTS

1. The wage-paying CSJ pilot program under current law has not yet been implemented due to changes needed in the CARES computer system. The Department expects that this pilot program will be implemented by October 1, 1999, through one agency in Milwaukee County (MAXIMUS).

2. Under the Governor's proposal, the wage-paying CSJ pilot program would be expanded statewide beginning January 1, 2001. However, the bill would limit the number of participants to 2,500, to be allocated among the W-2 agencies according to a formula determined by the Department. The Department has indicated that no agency would receive a specific number of wage-paying CSJ positions; rather, agencies would be allowed to place participants into the wage-paying CSJ employment position until all 2,500 slots statewide are filled.

3. The limitation to 2,500 cases statewide is approximately one-half of the number of potential trial job participants as estimated at the beginning of the W-2 program. This methodology was used because it was assumed that individuals eligible for the wage-paying CSJs would have similar characteristics as those eligible for trial jobs.

4. In February, 1999, there were 5,265 individuals placed in grant-paying community service jobs under the W-2 program. From April through November, 1998, CSJ cases declined on average 4.7% per month. If caseloads continued to decline at that same rate through the 1999-01 biennium, the CSJ caseload would fall to approximately 1,400 cases by the end of the biennium. More recent information suggests that CSJ caseloads may vary quite significantly on a monthly basis. From December, 1998, to January, 1999, the number of CSJ participants increased from 5,509 to 5,561, and then declined again to 5,265 from January to February, 1999. If caseloads remain fairly constant, or even decline slightly, over the next biennium, it is reasonable to assume that the number of participants in the grant-paying CSJ would average 5,000. The 2,500 limitation would be approximately one-half of the total CSJ caseload.

5. The Governor's proposal could result in increased costs if the benefits or wages paid to participants in the wage-paying CSJ are treated as taxable earnings and the employer and W-2 participant would have to pay federal and state payroll taxes. This issue also has implications for whether the participant would be eligible to receive the federal earned income tax credit, which could increase the participant's disposable income significantly.

6. The treatment of CSJ wages for federal tax purposes is determined by the Internal Revenue Service (IRS). In a recent ruling, the IRS provided an interpretation regarding the conditions under which payments funded with dollars under the TANF program are not considered income, earned income or wages for federal income and employment tax purposes. Under this ruling, it appeared that wages paid for participation in a CSJ would be considered TANF benefits and would, therefore, not be treated as earnings for federal tax purposes.

7. In order to clarify this issue, this office sent a letter to the IRS (dated March 17, 1999), along with the current and proposed statutes and other supporting materials regarding wage-paying CSJs, requesting an official determination. On May 14, we received a written response from the IRS stating that wages paid under the current CSJ pilot and the proposed statewide program would not be considered earned income under federal law. Therefore, such benefits would not be subject to federal and state income and payroll taxes, nor would individuals receiving the wage-paying CSJ benefit be allowed to count this income for purposes of the federal earned income tax credit. The IRS concluded that these types of payments will be treated as made for the promotion of the general welfare, rather than as taxable compensation.

8. Under current state law, participants who would be placed in the wage-paying CSJ pilot program would not be prohibited from obtaining the state EITC. The state EITC is calculated as a percentage of the federal EITC; therefore, because these participants would not be eligible to receive the federal credit, they would not receive the state credit. Under the Governor's proposal, participants in a wage-paying CSJ would be explicitly prohibited from receiving the state EITC.

9. Several legislators have expressed an interest in allowing participants in a wage-paying CSJ to receive the state EITC. Therefore, the Governor's proposal could be modified to specify that individuals participating in a wage-paying community service job would be eligible for the state EITC, even if though they are not eligible for the federal EITC. In addition to the cost of

providing the credit, as described below, this option would result in additional administrative costs for developing and processing a new tax form.

10. Because the provisions in the bill do not take effect until January 1, 2001, and the state EITC for calendar year 2001 would not be provided to the recipient until the Spring of 2002 when income tax forms must be filed, no costs for providing the state EITC would be incurred in the 1999-01 biennium.

11. However, costs would be incurred in the 2001-03 biennium. These costs depend directly upon caseload assumptions. If it is assumed that 2,500 participants would be placed into wage-paying CSJs, the cost of providing the state earned income tax credit would be approximately \$1,090,000 (\$163,500 GPR and \$926,500 FED) annually. The federal portion reflects an estimate of the costs that could be funded with federal TANF dollars. Because new federal regulations allow the state to use TANF funding for the refundable portion of the earned income tax credit, it is estimated that 80% of the cost of providing the state EITC could be funded with TANF dollars. This percentage also accounts for credits that may be provided to certain legal immigrants for whom TANF funds could not be used.

12. If CSJ wages were allowed for the state earned income tax credit, a family with one child could receive \$95 per year, a family with two children could receive \$392 per year, and a family with three or more children could receive \$1,204 per year (based on the credit for tax year 1999). These amounts are indexed for inflation.

13. In addition to the above modifications, the Committee could also consider eliminating the 2,500 case maximum included in the bill. The fiscal implications, again, depend upon caseload assumptions. If lifting the restriction on the number of cases results in more individuals being placed into the wage-paying CSJ, and if wage-paying CSJ participants were eligible for the state EITC, additional costs could result in the next biennium. However, it is possible that even if this restriction is eliminated, no more than 2,500 participants would be placed into a wage-paying CSJ in any given month.

14. Finally, it should be noted that the Governor's provision specifies two separate effective dates: the eligibility requirements would take effect on the bill's general effective date; and the remaining provisions would take effect on the January 1, 2001. The administration has indicated that all effective dates should be January 1, 2001.

ALTERNATIVES

1. Approve the Governor's recommendation to expand the wage-paying community service job program statewide beginning January 1, 2001. Specify that all provisions would become effective on that date.

2. Modify the Governor's recommendation by specifying that the income earned under a wage-paying CSJ would be included in the calculation of the state earned income tax credit,

regardless of whether this income may be counted for purposes of the federal credit.

3. Modify the Governor's proposal to delete the limitation on the number of individuals statewide that could participate in a wage-paying community service job.

4. Maintain current law. Under this option, the wage-paying community service job would be piloted in Milwaukee County.

Prepared by: Joanne T. Simpson



(SOON) (D-NOTE)
State of Wisconsin
1999 - 2000 LEGISLATURE

LRBb0545/1
TAY.../...
Wlj

LFB:.....Simpson - ^{Partial CSTs and} ~~Repeal wage-paying community service jobs~~ ^(Request sheet of read)

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

LFB AMENDMENT

TO 1999 ASSEMBLY BILL 133 AND 1999 SENATE BILL 45

1 At the locations indicated, amend the bill as follows:

2 ✓ 1. Page 440, line 8: delete lines 8 to 10 and substitute "for aid to 18-year-old
3 ~~students under s. 49.20; and for funeral expenses under s. 49.30; and to transfer to~~
4 ~~the appropriation account under s. 20.835 (2) (k) the amount determined by the~~
5 ~~department of revenue under s. 49.175 (1) (b) 2.~~ Payments may".

6 ✓ 2. Page 440, line 18: delete the material beginning with that line and ending
7 with page 441, line 13.

8 3. Page 676, line 14: after that line insert:

9 (9) "SECTION 1209. ⁹⁻¹³ 49.124 (1m) (cm) of the statutes, as affected by 1997 Wisconsin
10 Act 27, is amended to read:

STET

1 49.124 (1m) (cm) The amount of food stamp benefits paid to a recipient who is
 2 a participant in a Wisconsin works employment position under s. 49.147 (4) (b) or (5)
 3 shall be calculated based on the pre-sanction benefit amount received s. 49.148.”

NOTE: NOTE: Par. (cm) is shown as amended eff. 2-1-99 by 1997 Wis. Act 27. Prior to 2-1-99 it reads:NOTE:

(cm) The amount of food stamp benefits paid to a recipient who is a participant in a Wisconsin works employment position under s. 49.147 (4) or (5) shall be calculated based on the pre-sanction benefit amount received s. 49.148.

History: 1987 a. 27; 1995 a. 27 ss. 2788 to 2793, 3140, 3141; 1995 a. 289; 1997 a. 27, 38, 191, 236, 283.

6 **4.** Page 681, line 14: delete the material beginning with that line and ending
 7 with page 682, line 13 and substitute:

STET

8 “SECTION 1229q. 49.147 (4) of the statutes, as affected by 1997 Wisconsin Act

9 27 is repealed and recreated to read:

10 49.147 (4) COMMUNITY SERVICE JOB. (a) *Administration.* A Wisconsin works
 11 agency shall administer a community service job program as part of its
 12 administration of Wisconsin works to improve the employability of an individual who
 13 is not otherwise able to obtain employment, as determined by the Wisconsin works
 14 agency, by providing work experience and training, if necessary, to assist the
 15 individual to move promptly into unsubsidized public or private employment or a
 16 trial job. In determining an appropriate placement for a participant, a Wisconsin
 17 works agency shall give placement under this subsection priority over placements
 18 under sub. (5). Community service jobs shall be limited to projects that the
 19 department determines would serve a useful public purpose or projects the cost of
 20 which is partially or wholly offset by revenue generated from such projects. After
 21 each 6 months of an individual’s participation under this subsection and at the
 22 conclusion of each assignment under this subsection, a Wisconsin works agency shall
 23 reassess the individual’s employability.

24 (am) *Education or training activities.* A participant under this subsection may
 25 be required to participate in education and training activities assigned as part of an

for the number of hours determined by the Wisconsin works agency, to be appropriate for the participant at the time of application or review, but not to exceed 30 hours per week

1 employability plan developed by the Wisconsin works agency. The department shall
2 establish by rule permissible education and training under this paragraph, which
3 shall include a course of study meeting the standards established under s. 115.29 (4)
4 for the granting of a declaration of equivalency of high school graduation, technical
5 college courses and educational courses that provide an employment skill.
6 Permissible education under this paragraph shall also include English as a 2nd
7 language courses that the Wisconsin works agency determines would facilitate an
8 individual's efforts to obtain employment and adult basic education courses that the
9 Wisconsin works agency determines would facilitate an individual's efforts to obtain
10 employment.

11 (as) *Required hours.* Except as provided in pars. (at) and (av), a Wisconsin
12 works agency ~~may~~ ^{shall} require a participant placed in a community service job program
13 to work ~~not more than 20 hours per week~~ ^{a num} in a community service job. Except as
14 provided in pars. (at) and (av), a Wisconsin works agency may require a participant
15 placed in the community service job program to participate in education or training
16 activities for not more than 10 hours per week.

17 (at) *Motivational training.* A Wisconsin works agency may require a
18 participant, during the first 2 weeks of participation under this subsection, to
19 participate in an assessment and motivational training program identified by the
20 community steering committee under s. 49.143 (2) (a) 10. The Wisconsin works
21 agency may require not more than 40 hours of participation per week under this
22 paragraph in lieu of the participation requirement under par. (as).

23 (av) *Education for 18-year-old and 19-year-old students.* A Wisconsin works
24 agency shall permit a participant under this subsection who has not attained the age
25 of 20 and who has not obtained a high school diploma or a declaration of equivalency

1 of high school graduation to attend high school or enroll in a course of study meeting
2 the standards established under s. 115.29 (4) for the granting of a declaration of
3 equivalency of high school graduation to satisfy, in whole or in part, the required
4 hours of participation in a community service job under par. (as).[✓]

5 (b) *Time-limited participation.* An individual may participate in a community
6 service job for a maximum of 6 months, with an opportunity for a 3-month extension
7 under circumstances approved by the department. An individual may participate
8 in more than one community service job, but may not exceed a total of 24 months of
9 participation under this subsection. The months need not be consecutive. The
10 department or, with the approval of the department, the Wisconsin works agency
11 may grant an extension to the 24-month limit on a case-by-case basis if the
12 Wisconsin works agency determines that the individual has made all appropriate
13 efforts to find unsubsidized employment and has been unable to find unsubsidized
14 employment because local labor market conditions preclude a reasonable
15 employment opportunity in unsubsidized employment for that participant, as
16 determined by a Wisconsin works agency and approved by the department, and if the
17 Wisconsin works agency determines, and the department agrees, that no trial job
18 opportunities are available in the specified local labor market.

19 (c) *Worker's compensation.* A participant under this subsection is an employe
20 of the Wisconsin works agency for purposes of worker's compensation coverage,
21 except to the extent that the person for whom the participant is performing work
22 provides worker's compensation coverage.”

23 [✓] 5. Page 683, line 3: delete lines 3 to 25 and substitute:

1 “49.148 (1) (b) 1. For a participant in a community service job under s. 49.147
 2 (4) (b), a monthly grant of \$673, paid by the Wisconsin works agency or by the
 3 department under sub. (2). For equal to the amount specified in subd. 1m. except
 4 that for every hour that the participant misses work or education or training
 5 activities without good cause, the grant amount shall be reduced by \$5.15. Good
 6 cause shall be determined by the financial and employment planner in accordance
 7 with rules promulgated by the department. Good cause shall include required court
 8 appearances for a victim of domestic abuse. ~~If a participant in a community service~~
 9 ~~job under s. 49.147 (4) (b) is required to work fewer than 30 hours per week because~~
 10 ~~the participant has unsubsidized employment, as defined in s. 49.147 (1) (e), the~~
 11 ~~grant amount under this paragraph may be reduced by an amount equal to the~~
 12 ~~product of \$5.15 and the difference between 30 and the number of hours the~~
 13 ~~participant is required to work.~~

NOTE: NOTE: There is no s. 49.148 (2).NOTE:

History: 1995 a. 289; 1997 a. 27.

14 **SECTION 1236c.** 49.148 (1) (b) 1m. of the statutes is created to read:

15 49.148 (1) (b) 1m. Except as provided in subd. 1., the Wisconsin works agency
 16 shall pay a participant in a community service job the following:

17 a. For a participant placed in a community service job for ^{one} 9 hours per week,

18 ~~\$250.~~ ^{one third} of the amount specified in subd. 1m. d. ✓

19 b. For a participant placed in a community service job for 10 to 14 hours per
 20 week, ~~\$320.50.~~ ^{one half} of the amount specified under Subd. 1m. d. ✓

21 c. For a participant placed in a community service job for 15 to 20 hours per
 22 week, ~~\$560.~~ ^{two thirds} of the amount specified under subd. 1m. d. ✓

23 d. For a participant placed in a community service job for more than 20 hours
 24 per week, \$673.

STET

1 SECTION 1237b. 49.148 (1) (b) 2. of the statutes is repealed.

2 SECTION 1237m. 49.148 (1m) (a) of the statutes, as affected by 1999 Wisconsin

3 Act 27 is amended to read:

4 49.148 (1m) (a) A custodial parent of a child who is 12 weeks old or less and
5 who meets the eligibility requirements under s. 49.145 (2) and (3) may receive a
6 monthly grant of \$673 unless another adult member of the custodial parent's
7 Wisconsin works group is participating in, or is eligible to participate in, a Wisconsin
8 works employment position or is employed in unsubsidized employment, as defined
9 in s. 49.147 (1) (c). A Wisconsin works agency may not require a participant under
10 this subsection to participate in any employment positions. Receipt of a grant under
11 this subsection does not constitute participation in a Wisconsin works employment
12 position for purposes of the time limits under s. 49.145 (2) (n) or 49.147 (3) (c), (4) (b)
13 ~~2. or (e) 4. or (5) (b) 2.~~ if the child is born to the participant not more than 10 months
14 after the date that the participant was first determined to be eligible for assistance
15 under s. 49.19 or for a Wisconsin works employment position.

NOTE: NOTE: Par. (a) is shown as amended eff. 2-1-99 by 1997 Wis. Act 27. Prior to 2-1-99 it reads: NOTE:

16 (a) A custodial parent of a child who is 12 weeks old or less and who meets the eligibility requirements under s. 49.145 (2) and (3) may receive a monthly grant of
17 \$673 unless another adult member of the custodial parent's Wisconsin works group is participating in, or is eligible to participate in, a Wisconsin works employment
18 position or is employed in unsubsidized employment, as defined in s. 49.147 (1) (c). A Wisconsin works agency may not require a participant under this subsection to
19 participate in any employment positions. Receipt of a grant under this subsection does not constitute participation in a Wisconsin works employment position for
20 purposes of the time limits under s. 49.145 (2) (n) or 49.147 (3) (c), (4) (b) or (5) (b) 2. if the child is born to the participant not more than 10 months after the date that
21 the participant was first determined to be eligible for assistance under s. 49.19 or for a Wisconsin works employment position.

History: 1995 a. 289; 1997 a. 27.

22 SECTION 1237n. 49.148 (1m) (b) of the statutes, as affected by 1999 Wisconsin

23 Act 27, is amended to read:

24 49.148 (1m) (b) Receipt of a grant under this subsection constitutes
25 participation in a Wisconsin works employment position for purposes of the time
26 limits under ss. 49.145 (2) (n) and 49.147 (3) (c), (4) (b) ~~2. or (e) 4.~~ or (5) (b) 2. if the
27 child is born to the participant more than 10 months after the date that the
28 participant was first determined to be eligible for assistance under s. 49.19 or for a

STET

1 Wisconsin works employment position unless the child was conceived as a result of
2 a sexual assault in violation of s. 940.225 (1), (2) or (3) in which the mother did not
3 indicate a freely given agreement to have sexual intercourse or of incest in violation
4 of s. 944.06 or 948.06 and that incest or sexual assault has been reported to a
5 physician and to law enforcement authorities.”.

NOTE: NOTE: Par. (b) is shown as amended eff. 2-1-99 by 1997 Wis. Act 27. Prior to 2-1-99 it reads:NOTE:

(b) Receipt of a grant under this subsection constitutes participation in a Wisconsin works employment position for purposes of the time limits under ss. 49.145 (2) (a) and 49.147 (3) (c), (4) (b) or (5) (b) 2. If the child is born to the participant more than 10 months after the date that the participant was first determined to be eligible for assistance under s. 49.19 or for a Wisconsin works employment position unless the child was conceived as a result of a sexual assault in violation of s. 940.225 (1), (2) or (3) in which the mother did not indicate a freely given agreement to have sexual intercourse or of incest in violation of s. 944.06 or 948.06 and that incest or sexual assault has been reported to a physician and to law enforcement authorities.

History: 1995 a. 289; 1997 a. 27.

11 ✓ 6. Page 684, line 1: delete lines 1 to 3.

12 ✓ 7. Page 686, line 11: after that line insert:

13 “SECTION 1249q. 49.155 (1m) (a) 3. of the statutes, as affected by 1999

14 Wisconsin Act 27, is amended to read:

15 49.155 (1m) (a) 3. Work in a Wisconsin works employment position, including
16 participation in job search, orientation and training activities under s. 49.147 (2) (a)
17 and in education or training activities under s. 49.147 (3) (am), (4) (b) 1. a. (am) or
18 (5) (bm).”

NOTE: NOTE: Subd. 3. is shown as amended eff. 2-1-99 by 1997 Wis. Act 27. Prior to 2-1-99 it reads:NOTE:

3. Work in a Wisconsin works employment position, including participation in job search, orientation and training activities under s. 49.147 (2) (a) and in education or training activities under s. 49.147 (3) (am), (4) (am) or (5) (bm).

History: 1995 a. 289; 1997 a. 27, s. 1766 to 1775, 1838 to 1857; 1997 a. 41, 105, 237, 252.

21 ✓ 8. Page 692, line 18: delete that line and substitute:

22 “49.161 (1) TRIAL JOBS AND WAGE-PAYING COMMUNITY SERVICE JOBS
23 OVERPAYMENTS.”.

24 ✓ 9. Page 692, line 20: delete “and or (b) 2.” and substitute “and (b) 2.”.

25 ✓ 10. Page 692, line 21: delete “or (b) 2” and substitute “or (b) 2”.

26 ✓ 11. Page 693, line 3: delete “GRANT-PAYING COMMUNITY” and substitute
27 “GRANT-PAYING COMMUNITY COMMUNITY”.

D.K.
N.D.
delete extra space

STET

- 1 ✓ **12.** Page 693, line 5: on lines 5 and 6, delete "1." and substitute "1".
- 2 ✓ **13.** Page 694, line 13: delete "1."
- 3 ✓ **14.** Page 694, line 15: delete lines 15 and 16.
- 4 ✓ **15.** Page 855, line 15: delete the material beginning with that line and ending
- 5 with page 856, line 2.

6 ✓ **16.** Page 1460, line 16: delete lines 16 to 18.

7 **17.** Page 1466, line 3: after that line insert:

to delete
extra space

8
INIT
APP

9 "6m
(8) PARTIAL COMMUNITY SERVICE JOBS. The treatment of sections 49.148 (1) (b)
10 1. and 1m. of the statutes first applies to individuals who apply, or whose cases are
11 reviewed, on the effective date of this subsection."

11 **18.** Page 1479, line 5: delete lines 5 to 10 and substitute:

12 EFF
DATES

13 "5m
(8) PARTIAL COMMUNITY SERVICE JOBS. The treatment of sections 49.148 (1) (b)
14 1. and 1m. of the statutes and SECTION 93.57 (3) take effect on the first day of the 3rd
15 month beginning after publication."

(END)

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

LRBb0545/1dn

TAY.../...

Wlj

Joanne Simpson:

This amendment combines items 31 and 32 of the motion. Therefore, there will be no LRBb0544.

If you have any questions, please don't hesitate to call.

Tina A. Yacker
Legislative Attorney
Phone: (608) 261-6927
E-mail: Tina.Yacker@legis.state.wi.us

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBb0545/1dn
TAY:wj:km

June 8, 1999

Joanne Simpson:

This amendment combines items 31 and 32 of the motion. Therefore, there will be no LRBb0544.

If you have any questions, please don't hesitate to call.

Tina A. Yacker
Legislative Attorney
Phone: (608) 261-6927
E-mail: Tina.Yacker@legis.state.wi.us

Require a W-2 agency to allow participants in the W-2 program who are under the age of 20 and who have not obtained a high school diploma or a declaration of equivalence to: (a) attend high school if the participant chooses; or (b) with the approval of the participant, to enroll in a course of study meeting the established standards for the granting of a declaration of equivalency of high school graduation, rather than attend high school. As under current law, participation in either of these activities would count, in whole or in part, toward the participation requirements for W-2 community service jobs. *[This provision is a modification to Motion #1112 relating to temporary assistance to needy families (TANF). This provision was agreed to by the negotiators of that motion, but was inadvertently omitted in the drafted motion. Under present law, the choice of whether the individual will attend high school or enroll in a GED course is made by the W-2 agency rather than the participant.]*

Motion #9905



(Soon)
State of Wisconsin
1999 - 2000 LEGISLATURE

LRBb0545/2 2
TAY:wlj:km

RMR

LFB:.....Simpson - Partial CSJs and repeal wage-paying community service jobs

FOR 1999-01 BUDGET - NOT READY FOR INTRODUCTION

LFB AMENDMENT

TO 1999 ASSEMBLY BILL 133 AND 1999 SENATE BILL 45

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 440, line 8: delete lines 8 to 10 and substitute "~~for aid to 18-year-old~~
3 ~~students under s. 49.20; and~~ for funeral expenses under s. 49.30; ~~and to transfer to~~
4 ~~the appropriation account under s. 20.835 (2) (k) the amount determined by the~~
5 ~~department of revenue under s. 49.175 (1) (b) 2.~~ Payments may".

6 **2.** Page 440, line 18: delete the material beginning with that line and ending
7 with page 441, line 13.

8 **3.** Page 676, line 14: after that line insert:

9 "SECTION 1209q. 49.124 (1m) (cm) of the statutes, as affected by 1997
10 Wisconsin Act 27, is amended to read:

1 49.124 (1m) (cm) The amount of food stamp benefits paid to a recipient who is
2 a participant in a Wisconsin works employment position under s. 49.147 (4) (b) or (5)
3 shall be calculated based on the pre-sanction benefit amount received s. 49.148.”.

4 **4.** Page 681, line 14: delete the material beginning with that line and ending
5 with page 682, line 13 and substitute:

6 “**SECTION 1229q.** 49.147 (4) of the statutes, as affected by 1997 Wisconsin Act
7 27 is repealed and recreated to read:

8 49.147 (4) COMMUNITY SERVICE JOB. (a) *Administration.* A Wisconsin works
9 agency shall administer a community service job program as part of its
10 administration of Wisconsin works to improve the employability of an individual who
11 is not otherwise able to obtain employment, as determined by the Wisconsin works
12 agency, by providing work experience and training, if necessary, to assist the
13 individual to move promptly into unsubsidized public or private employment or a
14 trial job. In determining an appropriate placement for a participant, a Wisconsin
15 works agency shall give placement under this subsection priority over placements
16 under sub. (5). Community service jobs shall be limited to projects that the
17 department determines would serve a useful public purpose or projects the cost of
18 which is partially or wholly offset by revenue generated from such projects. After
19 each 6 months of an individual’s participation under this subsection and at the
20 conclusion of each assignment under this subsection, a Wisconsin works agency shall
21 reassess the individual’s employability.

22 (am) *Education or training activities.* A participant under this subsection may
23 be required to participate in education and training activities assigned as part of an
24 employability plan developed by the Wisconsin works agency. The department shall

1 establish by rule permissible education and training under this paragraph, which
2 shall include a course of study meeting the standards established under s. 115.29 (4)
3 for the granting of a declaration of equivalency of high school graduation, technical
4 college courses and educational courses that provide an employment skill.
5 Permissible education under this paragraph shall also include English as a 2nd
6 language courses that the Wisconsin works agency determines would facilitate an
7 individual's efforts to obtain employment and adult basic education courses that the
8 Wisconsin works agency determines would facilitate an individual's efforts to obtain
9 employment.

10 (as) *Required hours.* Except as provided in pars. (at) and (av), a Wisconsin
11 works agency shall require a participant placed in a community service job program
12 to work in a community service job for the number of hours determined by the
13 Wisconsin works agency to be appropriate for the participant at the time of
14 application or review, but not to exceed 30 hours per week. Except as provided in
15 pars. (at) and (av), a Wisconsin works agency may require a participant placed in the
16 community service job program to participate in education or training activities for
17 not more than 10 hours per week.

18 (at) *Motivational training.* A Wisconsin works agency may require a
19 participant, during the first 2 weeks of participation under this subsection, to
20 participate in an assessment and motivational training program identified by the
21 community steering committee under s. 49.143 (2) (a) 10. The Wisconsin works
22 agency may require not more than 40 hours of participation per week under this
23 paragraph in lieu of the participation requirement under par. (as).

24 (av) *Education for 18-year-old and 19-year-old students.* A Wisconsin works
25 agency shall permit a participant under this subsection who has not attained the age

, at the option of the participant, to

1 of 20 and who has not obtained a high school diploma or a declaration of equivalency
2 of high school graduation to attend high school or enroll in a course of study meeting
3 the standards established under s. 115.29 (4) for the granting of a declaration of
4 equivalency of high school graduation to satisfy, in whole or in part, the required
5 hours of participation under par. (as).

6 (b) *Time-limited participation.* An individual may participate in a community
7 service job for a maximum of 6 months, with an opportunity for a 3-month extension
8 under circumstances approved by the department. An individual may participate
9 in more than one community service job, but may not exceed a total of 24 months of
10 participation under this subsection. The months need not be consecutive. The
11 department or, with the approval of the department, the Wisconsin works agency
12 may grant an extension to the 24-month limit on a case-by-case basis if the
13 Wisconsin works agency determines that the individual has made all appropriate
14 efforts to find unsubsidized employment and has been unable to find unsubsidized
15 employment because local labor market conditions preclude a reasonable
16 employment opportunity in unsubsidized employment for that participant, as
17 determined by a Wisconsin works agency and approved by the department, and if the
18 Wisconsin works agency determines, and the department agrees, that no trial job
19 opportunities are available in the specified local labor market.

20 (c) *Worker's compensation.* A participant under this subsection is an employe
21 of the Wisconsin works agency for purposes of worker's compensation coverage,
22 except to the extent that the person for whom the participant is performing work
23 provides worker's compensation coverage."

24 **5.** Page 683, line 3: delete lines 3 to 25 and substitute:

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“49.148 (1) (b) 1. For ^{Plan} a participant in a community service job under s. 49.147
 (4) (b), a monthly grant of \$673, paid by the Wisconsin works agency or by the
 department under sub. (2). For ~~equal to the amount specified in subd. 1m. except~~
 that for every hour that the participant misses work or education or training
 activities without good cause, the grant amount shall be reduced by \$5.15. 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. ^{Plan} If a participant in a community service
 job under s. 49.147 (4) (b) is required to work fewer than 30 hours per week because
 the participant has unsubsidized employment, as defined in s. 49.147 (1) (c), the
 grant amount under this paragraph may be reduced by an amount equal to the
 product of \$5.15 and the difference between 30 and the number of hours the
 participant is required to work ^{shall equal the amount specified under subd. 1m. minus \$5.15 for each hour that the participant misses work or education or training activities}

SECTION 1236c. 49.148 (1) (b) 1m. of the statutes is created to read:

49.148 (1) (b) 1m. Except as provided in subd. 1., the Wisconsin works agency
 shall pay a participant in a community service job the following:

- a. For a participant placed in a community service job for ~~one to ten~~ ^{more than} hours per week, one-third of the amount specified in subd. 1m. d. ^{not more than 10}
- b. For a participant placed in a community service job for 10 ^{hours} ~~to 14~~ hours per week, one-half of the amount specified under subd. 1m. d. ^{more than} ^{but not more than 15}
- c. For a participant placed in a community service job for 15 ^{hours} ~~to 20~~ hours per week, two-thirds of the amount specified under subd. 1m. d. ^{more than} ^{but not more than}
- d. For a participant placed in a community service job for more than 20 hours per week, \$673.

SECTION 1237b. 49.148 (1) (b) 2. of the statutes is repealed.

1 **SECTION 1237m.** 49.148 (1m) (a) of the statutes, as affected by 1999 Wisconsin
2 Act 27, is amended to read:

3 49.148 (1m) (a) A custodial parent of a child who is 12 weeks old or less and
4 who meets the eligibility requirements under s. 49.145 (2) and (3) may receive a
5 monthly grant of \$673 unless another adult member of the custodial parent's
6 Wisconsin works group is participating in, or is eligible to participate in, a Wisconsin
7 works employment position or is employed in unsubsidized employment, as defined
8 in s. 49.147 (1) (c). A Wisconsin works agency may not require a participant under
9 this subsection to participate in any employment positions. Receipt of a grant under
10 this subsection does not constitute participation in a Wisconsin works employment
11 position for purposes of the time limits under s. 49.145 (2) (n) or 49.147 (3) (c), (4) (b)
12 ~~2. or (e) 4.~~ or (5) (b) 2. if the child is born to the participant not more than 10 months
13 after the date that the participant was first determined to be eligible for assistance
14 under s. 49.19 or for a Wisconsin works employment position.

15 **SECTION 1237n.** 49.148 (1m) (b) of the statutes, as affected by 1999 Wisconsin
16 Act 27, is amended to read:

17 49.148 (1m) (b) Receipt of a grant under this subsection constitutes
18 participation in a Wisconsin works employment position for purposes of the time
19 limits under ss. 49.145 (2) (n) and 49.147 (3) (c), (4) (b) ~~2. or (e) 4.~~ or (5) (b) 2. if the
20 child is born to the participant more than 10 months after the date that the
21 participant was first determined to be eligible for assistance under s. 49.19 or for a
22 Wisconsin works employment position unless the child was conceived as a result of
23 a sexual assault in violation of s. 940.225 (1), (2) or (3) in which the mother did not
24 indicate a freely given agreement to have sexual intercourse or of incest in violation

1 of s. 944.06 or 948.06 and that incest or sexual assault has been reported to a
2 physician and to law enforcement authorities.”.

3 **6.** Page 684, line 1: delete lines 1 to 3.

4 **7.** Page 686, line 11: after that line insert:

5 **“SECTION 1249q.** 49.155 (1m) (a) 3. of the statutes, as affected by 1999
6 Wisconsin Act 27, is amended to read:

7 49.155 (1m) (a) 3. Work in a Wisconsin works employment position, including
8 participation in job search, orientation and training activities under s. 49.147 (2) (a)
9 and in education or training activities under s. 49.147 (3) (am), (4) ~~(b) 1. a.~~ (am) or
10 (5) (bm).”.

11 **8.** Page 692, line 18: delete that line and substitute:

12 **“49.161 (1) TRIAL JOBS AND ~~WAGE-PAYING COMMUNITY SERVICE JOBS~~**
13 **OVERPAYMENTS.”.**

14 **9.** Page 692, line 20: delete “and or (b) 2.” and substitute “and (b) 2.”.

15 **10.** Page 692, line 21: delete “or (b) 2” and substitute “or (b) 2”.

16 **11.** Page 693, line 3: delete “GRANT-PAYING COMMUNITY” and substitute
17 “GRANT-PAYING COMMUNITY COMMUNITY”.

18 **12.** Page 693, line 5: on lines 5 and 6, delete “1.” and substitute “1.”.

19 **13.** Page 694, line 13: delete “1.”.

20 **14.** Page 694, line 15: delete lines 15 and 16.

21 **15.** Page 855, line 15: delete the material beginning with that line and ending
22 with page 856, line 2.
~~1457 line~~

23 **16.** Page 1460, line 16: delete lines 16 to 18.

Yacker, Tina

From: Simpson, Joanne
Sent: Saturday, June 12, 1999 6:20 PM
To: Yacker, Tina
Subject: Redraft Requests

Hi Tina: I have the following redraft requests:

1. LRB 0524/1: Economic Support Allocations: First, I guess yesterday I didn't realize what you were really doing with this draft. Under current law, there are two subsections. 49.175 (2) should not be repealed entirely. Alternative 4 on paper # 1116 was approved: this says to eliminate the authority of DWD to use up to 10% of any allocation for a purpose specified in any of the other statutory allocations without approval by the Finance Committee. Instead, any transfer among the statutory allocations would require approval by the Secretary of Administration and the Committee under a 14-day passive review process. In addition, the following changes need to be made to the draft:

a. Page 2, Line 13-14: That number includes several changes, and I am wondering what your opinion is on included more detailed information. Call me tomorrow to discuss (I should be here!).

b. Page 2, Line 18, after distribute, include "or transfer"; also should the word "until", be "unless"?

c. Page 5, Line 7, delete "24,495,700" and insert "\$24,489,400"

d. Page 5, Line 8, delete "26,116,100" and insert "\$26,109,800"

e. page 5, Line 11, delete "24,495,700" and insert "13,745,200"

f. Page 5, Line 12, delete "26,116,100" and insert "17,930,000"

g. Page 5, Line 15 and Page 5, Line 20-21, is the first line after the title through (md) necessary?

h. Page 6, Line 5, delete "\$1,806,400" and insert "\$1,808,300"

i. Page 6, Line 17, delete "department of revenue" and insert "appropriation under 20.835 (?) [this is the eitc appropriation - i'm sorry i don't know which one it is,]"

j. Page 6, Line 20, delete "for community economic development"

k. Page 7, Line 5, delete "a jobs initiative in a first class city", and insert "the Milwaukee Jobs Initiative, Inc."

2. LRB 0541/1: W-2 profit calculation. This one is going to require some explanation. Please call.

3. LRB 0550/2: Family Literacy. On page 1, line 8, delete "\$15,000,000" and insert "1,404,100"

→ 4. LRB 0545/2: Partial csjs, etc: Page 8, delete lines 10 through 14

5. LRB 0551/2: Substance Abuse Grants: Page 1, line 9; delete "of 200%" and insert "of not more than 200%"

6. LRB 0609/1: Community Youth Grants: Page 1, Lines 6-7: although the motion says to Boys and Girls Clubs of America, the intention is to provide the funds to the clubs in Wisconsin -- do you think this needs more explanation? Also, Page 1, Line 8, delete "\$75,000,000" and insert "\$75,000"

7. LRB 0616/1: Food Stamp eligibility...: I forgot to mention in my drafting instructions that the Governor's provision to expand the categories of individuals whom the W-2 agencies must determine eligibility for and issue food coupons to was eliminated. So, the draft needs to delete those sections of the bill.

Thanks. I am going home now. I am having breakfast with a friend at 9:00 am, but should be in after 11:00 am or so.

-Joanne



~~Amended~~ Today / NOTE
State of Wisconsin
1999 - 2000 LEGISLATURE

3
LRBb0545/4
TAY:wlj:km

L+jlg

LFB:.....Simpson – Partial CSJs and repeal wage-paying community service jobs

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

LFB AMENDMENT

TO 1999 ASSEMBLY BILL 133 AND 1999 SENATE BILL 45

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 440, line 8: delete lines 8 to 10 and substitute “for aid to 18-year-old
3 students under s. 49.20; and for funeral expenses under s. 49.30; and to transfer to
4 the appropriation account under s. 20.835 (2) (k) the amount determined by the
5 department of revenue under s. 49.175 (1) (b) 2. Payments may”.

6 **2.** Page 440, line 18: delete the material beginning with that line and ending
7 with page 441, line 13.

8 **3.** Page 676, line 14: after that line insert:

9 “SECTION 1209q. 49.124 (1m) (cm) of the statutes, as affected by 1997
10 Wisconsin Act 27, is amended to read:

1 49.124 (1m) (cm) The amount of food stamp benefits paid to a recipient who is
2 a participant in a Wisconsin works employment position under s. 49.147 (4) ~~(b)~~ or (5)
3 shall be calculated based on the pre-sanction benefit amount received s. 49.148.”

4 **4.** Page 681, line 14: delete the material beginning with that line and ending
5 with page 682, line 13 and substitute:

6 “**SECTION 1229q.** 49.147 (4) of the statutes, as affected by 1997 Wisconsin Act
7 27 is repealed and recreated to read:

8 49.147 (4) COMMUNITY SERVICE JOB. (a) *Administration.* A Wisconsin works
9 agency shall administer a community service job program as part of its
10 administration of Wisconsin works to improve the employability of an individual who
11 is not otherwise able to obtain employment, as determined by the Wisconsin works
12 agency, by providing work experience and training, if necessary, to assist the
13 individual to move promptly into unsubsidized public or private employment or a
14 trial job. In determining an appropriate placement for a participant, a Wisconsin
15 works agency shall give placement under this subsection priority over placements
16 under sub. (5). Community service jobs shall be limited to projects that the
17 department determines would serve a useful public purpose or projects the cost of
18 which is partially or wholly offset by revenue generated from such projects. After
19 each 6 months of an individual’s participation under this subsection and at the
20 conclusion of each assignment under this subsection, a Wisconsin works agency shall
21 reassess the individual’s employability.

22 (am) *Education or training activities.* A participant under this subsection may
23 be required to participate in education and training activities assigned as part of an
24 employability plan developed by the Wisconsin works agency. The department shall

1 establish by rule permissible education and training under this paragraph, which
2 shall include a course of study meeting the standards established under s. 115.29 (4)
3 for the granting of a declaration of equivalency of high school graduation, technical
4 college courses and educational courses that provide an employment skill.
5 Permissible education under this paragraph shall also include English as a 2nd
6 language courses that the Wisconsin works agency determines would facilitate an
7 individual's efforts to obtain employment and adult basic education courses that the
8 Wisconsin works agency determines would facilitate an individual's efforts to obtain
9 employment.

10 (as) *Required hours.* Except as provided in pars. (at) and (av), a Wisconsin
11 works agency shall require a participant placed in a community service job program
12 to work in a community service job for the number of hours determined by the
13 Wisconsin works agency to be appropriate for the participant at the time of
14 application or review, but not to exceed 30 hours per week. Except as provided in
15 pars. (at) and (av), a Wisconsin works agency may require a participant placed in the
16 community service job program to participate in education or training activities for
17 not more than 10 hours per week.

18 (at) *Motivational training.* A Wisconsin works agency may require a
19 participant, during the first 2 weeks of participation under this subsection, to
20 participate in an assessment and motivational training program identified by the
21 community steering committee under s. 49.143 (2) (a) 10. The Wisconsin works
22 agency may require not more than 40 hours of participation per week under this
23 paragraph in lieu of the participation requirement under par. (as).

24 (av) *Education for 18-year-old and 19-year-old students.* A Wisconsin works
25 agency shall permit a participant under this subsection who has not attained the age

1 of 20 and who has not obtained a high school diploma or a declaration of equivalency
2 of high school graduation to attend high school or, at the option of the participant,
3 to enroll in a course of study meeting the standards established under s. 115.29 (4)
4 for the granting of a declaration of equivalency of high school graduation to satisfy,
5 in whole or in part, the required hours of participation under par. (as).

6 (b) *Time-limited participation.* An individual may participate in a community
7 service job for a maximum of 6 months, with an opportunity for a 3-month extension
8 under circumstances approved by the department. An individual may participate
9 in more than one community service job, but may not exceed a total of 24 months of
10 participation under this subsection. The months need not be consecutive. The
11 department or, with the approval of the department, the Wisconsin works agency
12 may grant an extension to the 24-month limit on a case-by-case basis if the
13 Wisconsin works agency determines that the individual has made all appropriate
14 efforts to find unsubsidized employment and has been unable to find unsubsidized
15 employment because local labor market conditions preclude a reasonable
16 employment opportunity in unsubsidized employment for that participant, as
17 determined by a Wisconsin works agency and approved by the department, and if the
18 Wisconsin works agency determines, and the department agrees, that no trial job
19 opportunities are available in the specified local labor market.

20 (c) *Worker's compensation.* A participant under this subsection is an employe
21 of the Wisconsin works agency for purposes of worker's compensation coverage,
22 except to the extent that the person for whom the participant is performing work
23 provides worker's compensation coverage.”

24 **5.** Page 683, line 3: delete lines 3 to 25 and substitute:

1 “49.148 (1) (b) 1. ~~For~~ Except as provided in subd. 1m., for a participant in a
2 community service job under s. 49.147 (4) ~~(b)~~, a monthly grant of \$673, paid by the
3 Wisconsin works agency or by the department under sub. (2). For every hour that
4 the participant misses work or education or training activities without good cause,
5 the grant amount shall be reduced by \$5.15. Good cause shall be determined by the
6 financial and employment planner in accordance with rules promulgated by the
7 department. Good cause shall include required court appearances for a victim of
8 domestic abuse. If a participant in a community service job under s. 49.147 (4) ~~(b)~~ is
9 required to work fewer than 30 hours per week because the participant has
10 unsubsidized employment, as defined in s. 49.147 (1)(c), the grant amount under this
11 paragraph ~~may be reduced by an amount equal to the product of \$5.15 and the~~
12 ~~difference between 30 and the number of hours the participant is required to work~~
13 shall equal the amount specified under subd. 1m. minus \$5.15 for each hour that the
14 participant misses work or education or training activities without good cause.

15 **SECTION 1236c.** 49.148 (1) (b) 1m. of the statutes is created to read:

16 49.148 (1) (b) 1m. Except as provided in subd. 1., the Wisconsin works agency
17 shall pay a participant in a community service job the following:

18 a. For a participant placed in a community service job for not more than 10
19 hours per week, one-third of the amount specified in subd. 1m. d.

20 b. For a participant placed in a community service job for more than 10 hours
21 but not more than 15 hours per week, one-half of the amount specified under subd.
22 1m. d.

23 c. For a participant placed in a community service job for more than 15 hours
24 but not more than 20 hours per week, two-thirds of the amount specified under subd.
25 1m. d.

1 d. For a participant placed in a community service job for more than 20 hours
2 per week, \$673.

3 **SECTION 1237b.** 49.148 (1) (b) 2. of the statutes is repealed.

4 **SECTION 1237m.** 49.148 (1m) (a) of the statutes, as affected by 1999 Wisconsin
5 Act 27, is amended to read:

6 49.148 (1m) (a) A custodial parent of a child who is 12 weeks old or less and
7 who meets the eligibility requirements under s. 49.145 (2) and (3) may receive a
8 monthly grant of \$673 unless another adult member of the custodial parent's
9 Wisconsin works group is participating in, or is eligible to participate in, a Wisconsin
10 works employment position or is employed in unsubsidized employment, as defined
11 in s. 49.147 (1) (c). A Wisconsin works agency may not require a participant under
12 this subsection to participate in any employment positions. Receipt of a grant under
13 this subsection does not constitute participation in a Wisconsin works employment
14 position for purposes of the time limits under s. 49.145 (2) (n) or 49.147 (3) (c), (4) (b)
15 ~~2. or (e) 4.~~ or (5) (b) 2. if the child is born to the participant not more than 10 months
16 after the date that the participant was first determined to be eligible for assistance
17 under s. 49.19 or for a Wisconsin works employment position.

18 **SECTION 1237n.** 49.148 (1m) (b) of the statutes, as affected by 1999 Wisconsin
19 Act 27, is amended to read:

20 49.148 (1m) (b) Receipt of a grant under this subsection constitutes
21 participation in a Wisconsin works employment position for purposes of the time
22 limits under ss. 49.145 (2) (n) and 49.147 (3) (c), (4) (b) ~~2. or (e) 4.~~ or (5) (b) 2. if the
23 child is born to the participant more than 10 months after the date that the
24 participant was first determined to be eligible for assistance under s. 49.19 or for a
25 Wisconsin works employment position unless the child was conceived as a result of

1 a sexual assault in violation of s. 940.225 (1), (2) or (3) in which the mother did not
2 indicate a freely given agreement to have sexual intercourse or of incest in violation
3 of s. 944.06 or 948.06 and that incest or sexual assault has been reported to a
4 physician and to law enforcement authorities.”.

5 **6.** Page 684, line 1: delete lines 1 to 3.

6 **7.** Page 686, line 11: after that line insert:

7 **“SECTION 1249q.** 49.155 (1m) (a) 3. of the statutes, as affected by 1999
8 Wisconsin Act 27, is amended to read:

9 49.155 (1m) (a) 3. Work in a Wisconsin works employment position, including
10 participation in job search, orientation and training activities under s. 49.147 (2) (a)
11 and in education or training activities under s. 49.147 (3) (am), (4) ~~(b) 1. a. (am)~~ or
12 (5) (bm).”.

13 **8.** Page 692, line 18: delete that line and substitute:

14 **“49.161 (1) TRIAL JOBS AND WAGE-PAYING COMMUNITY SERVICE JOBS**
15 **OVERPAYMENTS”** *no es*

16 **9.** Page 692, line 20: delete “and or (b) 2.” and substitute “and (b) 2.”.

17 **10.** Page 692, line 21: delete “or (b) 2” and substitute “~~or (b) 2~~”.

18 **11.** Page 693, line 3: delete “GRANT-PAYING COMMUNITY” and substitute
19 **“GRANT-PAYING COMMUNITY COMMUNITY”**.

20 **12.** Page 693, line 5: on lines 5 and 6, delete “1.” and substitute “1.”.

21 **13.** Page 694, line 13: delete “1.”.

22 **14.** Page 694, line 15: delete lines 15 and 16.

1 **15.** Page 855, line 15: delete the material beginning with that line and ending
2 with page 856, line 2.

3 **16.** Page 1427, line 8: after that line insert:

4 “(2m) PARTIAL COMMUNITY SERVICE JOBS. Not later than the first day of the 3rd
5 month beginning after the effective date of this subsection, the department shall
6 ensure that all Wisconsin works agencies are fully equipped to implement the
7 prorated benefits specified in section 49.148 (1) (b) 1m. of the statutes, as created by
8 this act.”.

9 **17.** Page 1460, line 16: delete lines 16 to 18.

10 **18.** Page 1466, line 3: after that line insert:

11 “(6m) PARTIAL COMMUNITY SERVICE JOBS. The treatment of section 49.148 (1) (b)
12 1. and 1m. of the statutes first applies to individuals who apply, or whose cases are
13 reviewed, on the first day of the 3rd month beginning after the effective date of this
14 subsection.”.

15

(END)

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBb0545/sdn
TAY.....

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Jlg

Joanne:

Removing the initial applicability section means that, although the department has been given three months to effect the partial CSJ payments, a person assigned to partial work would be due the amount we specify in this amendment beginning on the effective date of the bill. I realize that the justification for not including an initial applicability section is that the W-2 agencies should already be doing this under current law. However, current law just presumes that W-2 agencies *might* place persons in partial CSJs; it does not require them to do so. The same might be said about this amendment, although taken in conjunction with the amended entitlement draft, there would be a lot less room for a W-2 agency to make that argument. Without an initial applicability provision, it may be that participants and applicants who have been denied a CSJ because W-2 agencies were unable to make partial payments would be able to appeal for benefits retroactive at least to the effective date of the bill. This isn't a legal infirmity; I just want to make sure that's your intent.

Tina A. Yacker
Legislative Attorney
Phone: (608) 261-6927
E-mail: Tina.Yacker@legis.state.wi.us

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBb0545/3dn

TAY;jlg:ch

June 13, 1999

Joanne:

Removing the initial applicability section means that, although the department has been given three months to effect the partial CSJ payments, a person assigned to partial work would be due the amount we specify in this amendment beginning on the effective date of the bill. I realize that the justification for not including an initial applicability section is that the W-2 agencies should already be doing this under current law. However, current law just presumes that W-2 agencies *might* place persons in partial CSJs; it does not require them to do so. The same might be said about this amendment, although taken in conjunction with the amended entitlement draft, there would be a lot less room for a W-2 agency to make that argument. Without an initial applicability provision, it may be that participants and applicants who have been denied a CSJ because W-2 agencies were unable to make partial payments would be able to appeal for benefits retroactive at least to the effective date of the bill. This isn't a legal infirmity; I just want to make sure that's your intent.

Tina A. Yacker
Legislative Attorney
Phone: (608) 261-6927
E-mail: Tina.Yacker@legis.state.wi.us



State of Wisconsin
1999 - 2000 LEGISLATURE

LRBb0545/3
TAY:wlj&jlg:ch

LFB:.....Simpson – Partial CSJs and repeal wage-paying community service jobs

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

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23 be required to participate in education and training activities assigned as part of an
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1 establish by rule permissible education and training under this paragraph, which
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4 college courses and educational courses that provide an employment skill.
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14 application or review, but not to exceed 30 hours per week. Except as provided in
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19 participant, during the first 2 weeks of participation under this subsection, to
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21 community steering committee under s. 49.143 (2) (a) 10. The Wisconsin works
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23 paragraph in lieu of the participation requirement under par. (as).

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7 service job for a maximum of 6 months, with an opportunity for a 3-month extension
8 under circumstances approved by the department. An individual may participate
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14 efforts to find unsubsidized employment and has been unable to find unsubsidized
15 employment because local labor market conditions preclude a reasonable
16 employment opportunity in unsubsidized employment for that participant, as
17 determined by a Wisconsin works agency and approved by the department, and if the
18 Wisconsin works agency determines, and the department agrees, that no trial job
19 opportunities are available in the specified local labor market.

20 (c) *Worker's compensation.* A participant under this subsection is an employe
21 of the Wisconsin works agency for purposes of worker's compensation coverage,
22 except to the extent that the person for whom the participant is performing work
23 provides worker's compensation coverage.”

24 **5.** Page 683, line 3: delete lines 3 to 25 and substitute:

1 “49.148 (1) (b) 1. ~~For~~ Except as provided in subd. 1m., for a participant in a
2 community service job under s. 49.147 (4) (b), a monthly grant of \$673, paid by the
3 Wisconsin works agency or by the department under sub. (2). For every hour that
4 the participant misses work or education or training activities without good cause,
5 the grant amount shall be reduced by \$5.15. Good cause shall be determined by the
6 financial and employment planner in accordance with rules promulgated by the
7 department. Good cause shall include required court appearances for a victim of
8 domestic abuse. If a participant in a community service job under s. 49.147 (4) (b) is
9 required to work fewer than 30 hours per week because the participant has
10 unsubsidized employment, as defined in s. 49.147 (1)(c), the grant amount under this
11 paragraph ~~may be reduced by an amount equal to the product of \$5.15 and the~~
12 ~~difference between 30 and the number of hours the participant is required to work~~
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14 participant misses work or education or training activities without good cause.

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21 but not more than 15 hours per week, one-half of the amount specified under subd.
22 1m. d.

23 c. For a participant placed in a community service job for more than 15 hours
24 but not more than 20 hours per week, two-thirds of the amount specified under subd.
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1 d. For a participant placed in a community service job for more than 20 hours
2 per week, \$673.

3 **SECTION 1237b.** 49.148 (1) (b) 2. of the statutes is repealed.

4 **SECTION 1237m.** 49.148 (1m) (a) of the statutes, as affected by 1999 Wisconsin
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10 works employment position or is employed in unsubsidized employment, as defined
11 in s. 49.147 (1) (c). A Wisconsin works agency may not require a participant under
12 this subsection to participate in any employment positions. Receipt of a grant under
13 this subsection does not constitute participation in a Wisconsin works employment
14 position for purposes of the time limits under s. 49.145 (2) (n) or 49.147 (3) (c), (4) (b)
15 ~~2. or (e) 4.~~ or (5) (b) 2. if the child is born to the participant not more than 10 months
16 after the date that the participant was first determined to be eligible for assistance
17 under s. 49.19 or for a Wisconsin works employment position.

18 **SECTION 1237n.** 49.148 (1m) (b) of the statutes, as affected by 1999 Wisconsin
19 Act 27, is amended to read:

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21 participation in a Wisconsin works employment position for purposes of the time
22 limits under ss. 49.145 (2) (n) and 49.147 (3) (c), (4) (b) ~~2. or (e) 4.~~ or (5) (b) 2. if the
23 child is born to the participant more than 10 months after the date that the
24 participant was first determined to be eligible for assistance under s. 49.19 or for a
25 Wisconsin works employment position unless the child was conceived as a result of

1 a sexual assault in violation of s. 940.225 (1), (2) or (3) in which the mother did not
2 indicate a freely given agreement to have sexual intercourse or of incest in violation
3 of s. 944.06 or 948.06 and that incest or sexual assault has been reported to a
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5 **6.** Page 684, line 1: delete lines 1 to 3.

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7 **“SECTION 1249q.** 49.155 (1m) (a) 3. of the statutes, as affected by 1999
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10 participation in job search, orientation and training activities under s. 49.147 (2) (a)
11 and in education or training activities under s. 49.147 (3) (am), (4) ~~(b) 1. a. (am)~~ or
12 (5) (bm).”.

13 **8.** Page 692, line 18: delete that line and substitute:

14 **“49.161 (1) TRIAL JOBS AND ~~WAGE-PAYING COMMUNITY SERVICE JOBS~~**
15 **OVERPAYMENTS.”.**

16 **9.** Page 692, line 20: delete “~~and or~~ (b) 2.” and substitute “~~and (b) 2.~~”.

17 **10.** Page 692, line 21: delete “or (b) 2” and substitute “~~or (b) 2~~”.

18 **11.** Page 693, line 3: delete “GRANT-PAYING COMMUNITY” and substitute
19 “~~GRANT-PAYING COMMUNITY~~ COMMUNITY”.

20 **12.** Page 693, line 5: on lines 5 and 6, delete “1.” and substitute “1.”.

21 **13.** Page 694, line 13: delete “1.”.

22 **14.** Page 694, line 15: delete lines 15 and 16.

