

4



State of Wisconsin
2003 - 2004 LEGISLATURE

LRB-1256/42

PJK:jld:jf

v m is n m

P3

CS

Create

DOA:.....Fath - BB0323, Replace ~~community service and trial jobs under~~ transitional subsidized private sector jobs under W-2

FOR 2003-05 BUDGET — NOT READY FOR INTRODUCTION

Today
D-vote

do not
insert

1 AN ACT relating to: the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

WISCONSIN WORKS

This is a preliminary draft. An analysis will be provided in a later version.

Insert
A

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

2 SECTION 1. 20.445 (3) (dz) of the statutes is amended to read:

3 20.445 (3) (dz) Wisconsin works Works and other public assistance
4 administration and benefits. The amounts in the schedule, less the amounts
5 withheld under s. 49.143 (3), for administration, employer reimbursements,
6 participant stipends, education and training costs, and benefit payments under
7 Wisconsin works Works under ss. 49.141 to 49.161, the learnfare program under s.

1 49.26, the work experience and job search program under s. 49.36, and the food
2 stamp employment and training program under s. 49.13; for payments to counties,
3 tribal governing bodies, and Wisconsin ~~works~~ Works agencies; for hospital paternity
4 incentive payments under s. 69.14 (1) (cm); for job training services under the
5 workforce attachment and advancement program under s. 49.173; and for funeral
6 expenses under s. 49.30. Payments may be made from this appropriation to counties
7 for fraud investigation and error reduction under s. 49.197 (1m). Moneys
8 appropriated under this paragraph may be used to match federal funds received
9 under par. (md). Notwithstanding ss. 20.001 (3) (a) and 20.002 (1), the department
10 may transfer funds between fiscal years under this paragraph. Notwithstanding ss.
11 20.001 (3) and 20.002 (1), the department of health and family services shall credit
12 or deposit into this appropriation account funds for the purposes of this
13 appropriation that the department transfers from the appropriation account under
14 s. 20.435 (7) (bc). All funds allocated by the department but not encumbered by
15 December 31 of each year lapse to the general fund on the next January 1 unless
16 transferred to the next calendar year by the joint committee on finance.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

17 **SECTION 2.** 20.445 (3) (e) of the statutes is amended to read:

18 20.445 (3) (e) *Job access loans.* Biennially, the amounts in the schedule for job
19 access loans under s. ~~49.147 (6)~~ 49.1471.

20 **SECTION 3.** 20.445 (3) (jL) of the statutes is amended to read:

21 20.445 (3) (jL) *Job access loan repayments.* All moneys received from
22 repayments of loans made under s. ~~49.147 (6)~~ 49.1471 for the purpose of making
23 loans under s. ~~49.147 (6)~~ 49.1471.

1 **SECTION 4.** 49.015 (2) of the statutes is amended to read:

2 49.015 (2) **RECIPIENTS OF OTHER AID.** Except as provided in sub. (3), an
3 individual is not eligible for relief for a month in which the individual has received
4 aid to families with dependent children under s. 49.19 or supplemental security
5 income under 42 USC 1381 to 1383c or has participated in a Wisconsin ~~works~~ Works
6 employment position ~~under s. 49.147 (3) to (5), as defined in s. 49.141 (1) (r),~~ or in
7 which aid to families with dependent children, supplemental security income
8 benefits, or a Wisconsin ~~works~~ Works employment position is immediately available
9 to the individual.

10 **SECTION 5.** 49.13 (2) (cm) of the statutes is amended to read:

11 49.13 (2) (cm) The amount of food stamp benefits paid to a recipient who is a
12 participant in a Wisconsin ~~works~~ Works employment position under s. 49.147 (4) or
13 (5) shall be calculated based on the pre-sanction benefit amount received s. 49.148.
14 The amount of food stamp benefits paid to a recipient who is a participant in a
15 Wisconsin Works employment position under s. 49.147 (3m) shall be calculated based
16 on the participant's gross wages under s. 49.148 (1) (am) and stipend, if any, under
17 s. 49.147 (3m) (g), as reduced under s. 49.148 (4), if relevant.

18 **SECTION 6.** 49.136 (2) (b) of the statutes is amended to read:

19 49.136 (2) (b) The department shall attempt to award grants under this section
20 to head start agencies designated under 42 USC 9836, employers that provide or
21 wish to provide child care services for their employees, family day care centers, group
22 day care centers and day care programs for the children of student parents,
23 organizations that provide child care for sick children, and child care providers that
24 employ participants or former participants in a Wisconsin ~~works~~ Works employment
25 position ~~under s. 49.147 (3) to (5), as defined in s. 49.141 (1) (r).~~

1 **SECTION 7.** 49.141 (1) (e) of the statutes is amended to read:

2 49.141 (1) (e) “Job access loan” means a loan administered under s. ~~49.147 (6)~~
3 49.1471.

4 **SECTION 8.** 49.141 (1) (mc) of the statutes is created to read:

5 49.141 (1) (mc) “Transitional subsidized private sector job” means a work
6 component of Wisconsin Works administered under s. 49.147 (3m).

7 **SECTION 9.** 49.141 (1) (o) of the statutes is created to read:

8 49.141 (1) (o) “Unsubsidized employment” means employment for which the
9 department or a Wisconsin Works agency provides no wage subsidy or
10 reimbursement to the employer, including self-employment and entrepreneurial
11 activities.

12 **SECTION 10.** 49.141 (1) (om) of the statutes is created to read:

13 49.141 (1) (om) “Wages” has the meaning given in s. 109.01 (3).

14 **SECTION 11.** 49.141 (4) of the statutes is amended to read:

15 49.141 (4) **NONENTITLEMENT.** Notwithstanding fulfillment of the eligibility
16 requirements for any component of Wisconsin ~~works~~ Works, an individual is not
17 entitled to ~~services, employment,~~ or benefits under Wisconsin ~~works~~ Works.

18 **SECTION 12.** 49.141 (5) (a) of the statutes is amended to read:

19 49.141 (5) (a) Have the effect of filling a vacancy created by an employer
20 terminating a regular employee or otherwise reducing its work force for the purpose
21 of hiring an individual under s. 49.147 (3), ~~(4) or (5)~~.

22 **SECTION 13.** 49.143 (2) (a) 2. of the statutes is amended to read:

23 49.143 (2) (a) 2. Identify and encourage employers to provide permanent jobs
24 for persons who are eligible for trial jobs, transitional subsidized private sector jobs,
25 or community service jobs.

1 **SECTION 14.** 49.143 (2) (a) 4. of the statutes is amended to read:

2 49.143 (2) (a) 4. Create, and encourage others to create, on-the-job training
3 sites for persons who are eligible for trial jobs, transitional subsidized private sector
4 jobs, or community service jobs.

5 **SECTION 15.** 49.143 (2) (a) 5. of the statutes is amended to read:

6 49.143 (2) (a) 5. Foster and guide the entrepreneurial efforts of participants
7 who are eligible for trial jobs, transitional subsidized private sector jobs, or
8 community service jobs.

9 **SECTION 16.** 49.143 (2) (a) 6. of the statutes is amended to read:

10 49.143 (2) (a) 6. Provide mentors, both from its membership and from
11 recruitment of members of the community, to provide job-related guidance,
12 including assistance in resolving job-related issues and the provision of job leads or
13 references, to persons who are eligible for trial jobs, transitional subsidized private
14 sector jobs, or community service jobs.

15 **SECTION 17.** 49.143 (2) (f) of the statutes is renumbered 49.143 (2) (g) and
16 amended to read:

17 49.143 (2) (g) Perform any other tasks specified by the department in the
18 contract that the department determines are necessary for the administration of
19 Wisconsin ~~works~~ Works.

20 **SECTION 18.** 49.143 (2) (fm) of the statutes is created to read:

21 49.143 (2) (fm) Provide to every participant in a transitional subsidized private
22 sector job information about and assistance in obtaining any work supports for which
23 the participant is eligible, such as child care, health insurance, and income tax
24 credits and refunds.

1 **SECTION 19.** 49.143 (3g) (a) (intro.) and 4. of the statutes are consolidated,
2 renumbered 49.143 (3g) (am) and amended to read:

3 49.143 (3g) (am) The department shall base any performance bonus
4 calculation that it makes for Wisconsin ~~works~~ Works agencies only on ~~all of the~~
5 ~~following performance criteria:~~ 4. ~~Wages~~ wages and benefits earned in unsubsidized
6 employment by former participants in Wisconsin ~~works~~ Works employment
7 positions.

8 **SECTION 20.** 49.143 (3g) (a) 1. of the statutes is repealed.

9 **SECTION 21.** 49.143 (3g) (a) 2. of the statutes is repealed.

10 **SECTION 22.** 49.143 (3g) (a) 3. of the statutes is repealed.

11 **SECTION 23.** 49.143 (3g) (a) 5. of the statutes is repealed.

12 **SECTION 24.** 49.143 (3g) (a) 6. of the statutes is repealed.

13 **SECTION 25.** 49.145 (1) of the statutes is amended to read:

14 49.145 (1) **GENERAL ELIGIBILITY.** In order to be eligible for a Wisconsin works
15 Works employment ~~positions and position or job access loans~~ loan for any month, an
16 individual shall meet the eligibility requirements under subs. (2) and (3). The
17 department may promulgate rules establishing additional eligibility criteria and
18 specifying how eligibility criteria are to be administered. The department may
19 promulgate rules establishing payment and reporting periods as needed to
20 administer this subsection.

21 **SECTION 26.** 49.145 (2) (i) of the statutes is amended to read:

22 49.145 (2) (i) The individual is not receiving supplemental security income
23 under 42 USC 1381 to 1383c or state supplemental payments under s. 49.77 and, if
24 the individual is a dependent child, the custodial parent of the individual does not
25 receive a payment on behalf of the individual under s. 49.775. The department may

1 require an individual who receives a stipend under s. 49.147 (3m) (g) or benefits
2 under s. 49.148 and who has applied for supplemental security income under 42 USC
3 1381 to 1383c to authorize the federal social security administration to reimburse the
4 department for the stipend paid to the individual under s. 49.147 (3m) (g) or the
5 benefits paid to the individual under s. 49.148 during the period that the individual
6 was entitled to supplemental security income benefits to the extent that retroactive
7 supplemental security income benefits are made available to the individual.

8 **SECTION 27.** 49.145 (2) (s) of the statutes is amended to read:

9 49.145 (2) (s) The individual assigns to the state any right of the individual or
10 of any dependent child of the individual to support or maintenance from any other
11 person, including any right to amounts accruing during the time that any Wisconsin
12 ~~works~~ Works stipend or benefit is paid to the individual. If a minor who is a
13 beneficiary of any Wisconsin ~~works~~ Works stipend or benefit is also the beneficiary
14 of support under a judgment or order that includes support for one or more children
15 ~~not receiving a benefit who are not beneficiaries~~ under Wisconsin ~~works~~ Works, any
16 support payment made under the judgment or order is assigned to the state during
17 the period that the minor is a beneficiary of the Wisconsin ~~works~~ Works stipend or
18 ~~benefit in the amount that is the proportionate share of the minor receiving the~~
19 ~~benefit who is the beneficiary~~ under Wisconsin ~~works~~ Works, except as otherwise
20 ordered by the court on the motion of a party. Amounts assigned to the state under
21 this paragraph remain assigned to the state until the amount due to the federal
22 government has been recovered. No amount of support that begins to accrue after
23 the individual ceases to receive the stipend or benefits under Wisconsin ~~works~~ Works
24 may be considered assigned to this state. Except as provided in s. 49.1455, any money
25 received by the department in a month under an assignment to the state under this

1 paragraph for an individual applying for or participating in Wisconsin works Works
2 shall be paid to the individual applying for or participating in Wisconsin works
3 Works. The department shall pay the federal share of support assigned under this
4 paragraph as required under federal law or waiver.

5 SECTION 28. 49.145 (3) (b) 1. of the statutes is amended to read:

6 49.145 (3) (b) 1. All earned and unearned income of the individual, except any
7 amount received under section 32 of the Internal Revenue Code, as defined in s. 71.01
8 (6), any amount received under s. 71.07 (9e), any payment made by an employer
9 under section 3507 of the Internal Revenue Code, as defined in s. 71.01 (6), any
10 student financial aid received under any federal or state program, any scholarship
11 used for tuition and books, any wages received under s. 49.148 (1) (am) or stipend
12 received under s. 49.147 (3m) (g), and any assistance received under s. 49.148. In
13 determining the earned and unearned income of the individual, the Wisconsin works
14 agency may not include income earned by a dependent child of the individual.

15 SECTION 29. 49.146 (title) of the statutes is amended to read:

16 49.146 (title) **Employer criteria and selection.**

17 SECTION 30. 49.146 of the statutes is renumbered 49.146 (1) and amended to
18 read:

19 49.146 (1) ELIGIBILITY CRITERIA. The Subject to sub. (2), the department shall
20 establish by rule criteria that an employer providing a Wisconsin works Works
21 employment position must meet in order to employ a participant under s. 49.147 (3)
22 to (5). An employer that does not meet the criteria established under this section
23 subsection is ineligible to receive any subsidy or reimbursement of costs for any
24 position provided to a participant.

25 SECTION 31. 49.146 (2) of the statutes is created to read:

1 **49.146 (2) SELECTION OF EMPLOYERS FOR TRANSITIONAL SUBSIDIZED JOBS.** To be
2 eligible to employ a participant under s. 49.147 (3m), an employer must be a
3 corporation described under section 501 (c) (3) or (4) of the Internal Revenue Code
4 and exempt from taxation under section 501 (a) of the Internal Revenue Code. The
5 department shall request from employers proposals for employing participants
6 under s. 49.147 (3m). The department shall select, and enter into contracts with,
7 employers that meet the criteria established under sub. (1) and that demonstrate the
8 ability to do all of the following:

9 (a) Create useful transitional subsidized private sector jobs that benefit the
10 community.

11 (b) Provide effective supervision for participants.

12 (c) Manage payroll, taxes, and other financial matters in a responsible manner.

13 (d) Coordinate closely and cooperatively with a Wisconsin Works agency in
14 moving participants employed by the employer under s. 49.147 (3m) into stable
15 unsubsidized employment as quickly as possible.

16 (e) Comply in all respects with the Wisconsin Works program.

17 **SECTION 32.** 49.1465 of the statutes is created to read:

18 **49.1465 Education and training. (1) EDUCATIONAL NEEDS ASSESSMENT.** A
19 Wisconsin Works agency shall conduct an educational needs assessment of each
20 individual who applies for a Wisconsin Works employment position. If the individual
21 and the Wisconsin Works agency determine that the individual needs, or would
22 benefit from, education or training activities, including a course of study meeting the
23 standards established under s. 115.29 (4) for the granting of a declaration of
24 equivalency of high school graduation, the Wisconsin Works agency shall include
25 education or training activities in any employability plan developed for the

1 individual. The Wisconsin Works agency shall pay, or arrange for payment, for the
2 education or training services identified in the employability plan to the extent that
3 funds are available.

4 (2) PROGRAM AND EMPLOYER COORDINATION. A Wisconsin Works agency shall do
5 all of the following:

6 SECTION 33. 49.147 (title) of the statutes is amended to read:

7 49.147 (title) **Wisconsin ~~works~~ Works; work programs and job access**
8 **loans.**

9 SECTION 34. 49.147 (1) of the statutes is repealed.

10 SECTION 35. 49.147 (1m) of the statutes is repealed.

11 SECTION 36. 49.147 (3) (a) of the statutes is amended to read:

12 49.147 (3) (a) *Administration.* A Wisconsin ~~works~~ Works agency shall
13 administer a trial job program as part of its administration of the Wisconsin ~~works~~
14 Works program to improve the employability of individuals who are not otherwise
15 able to obtain unsubsidized employment, as determined by the Wisconsin ~~works~~
16 Works agency, by providing work experience and training to assist them to move
17 promptly into unsubsidized employment. In determining an appropriate placement
18 for a participant, a Wisconsin ~~works~~ Works agency shall give priority to placement
19 under this subsection over placements under subs. (3m), (4), and (5). The Wisconsin
20 ~~works~~ Works agency shall pay a wage subsidy to an employer that employs a
21 participant under this subsection and agrees to make a good faith effort to retain the
22 participant as a permanent unsubsidized employee after the wage subsidy is
23 terminated. The wage subsidy may not exceed \$300 per month for full-time
24 employment of a participant. For less than full-time employment of a participant
25 during a month, the wage subsidy may not exceed a dollar amount determined by

Insert 10-10

Insert 11-7 ✓

1 multiplying \$300 by a fraction, the numerator of which is the number of hours
2 worked by the participant in the month and the denominator of which is the number
3 of hours which would be required for full-time employment in that month.

4 SECTION 37. 49.147 (3m) of the statutes is created to read:

5 49.147 (3m) TRANSITIONAL SUBSIDIZED PRIVATE SECTOR JOBS. (a) Administration.

6 1. A Wisconsin Works agency shall administer a transitional subsidized private
7 sector job program as part of its administration of the Wisconsin Works program. If
8 a Wisconsin Works agency determines for a participant that a placement under sub.
9 (3) is inappropriate, or that an appropriate trial job is unavailable, and that a
10 placement under either this subsection or sub. (4) is appropriate, the participant
11 shall be allowed to choose between a placement under this subsection ^{and a placement} ~~or~~ under sub.
12 (4), to the extent of the availability of appropriate transitional subsidized private
13 sector jobs and community service jobs. A placement under this subsection shall be
14 given priority over placements under sub. (5).

15 2. If a participant chooses a placement under this subsection, a Wisconsin
16 Works agency shall arrange for a transitional subsidized private sector job, if
17 available, to be offered to the participant at a reasonably accessible location with one
18 or more employers selected under s. 49.146 (2). Job offers under this subsection shall
19 be limited by the number of employers selected under s. 49.146 (2) and the number
20 and types of employment positions available with each employer, as provided in the
21 employer's contract with the department.

22 3. An employer that employs a participant under this subsection shall be
23 reimbursed by the department for 100% of the employer's costs that are attributable
24 to employment of the participant, as determined by the department, including any
25 of the following:

1 a. Wages.

2 b. Federal social security taxes.

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

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

5 e. Liability insurance premiums, if any.

6 f. Supervisory costs and other overhead as specified in the employer's contract
7 with the department.

8 (b) *Jobs description.* 1. To the extent possible, each transitional subsidized
9 private sector job shall be designed by the employer, in consultation with the
10 Wisconsin Works agency and the department, to meet the needs and fit the abilities
11 of the participant to whom the job is offered. Each transitional subsidized private
12 sector job shall involve the performance of useful work that benefits the community.
13 Employers offering transitional subsidized private sector jobs and the department
14 shall consult with labor unions representing public sector employees on the design
15 of transitional subsidized private sector jobs to ensure compliance with s. 49.141 (5).

16 2. The department may design transitional subsidized private sector jobs that
17 do any of the following:

18 a. Allow a participant to work in a sheltered workshop, as defined in s. 104.01
19 (6), or in other supported employment, if the Wisconsin Works agency determines
20 that the participant is highly unlikely to be able to obtain or retain employment at
21 a minimum wage.

22 b. Allow a participant to care for a severely disabled child or other relative of
23 the participant, if the Wisconsin Works agency determines that such an
24 arrangement would be cost-effective for taxpayers.

1 (c) *Required hours.* Unless a different number of hours is recommended on a
2 case-by-case basis by the Wisconsin Works agency in accordance with guidelines
3 established by the department, each transitional subsidized private sector job shall
4 provide at least 25 hours, but not more than 30 hours, of work per week to allow a
5 participant time to continue to search for unsubsidized employment, as required
6 under par. (f).

7 (d) *Employer-employee relationship.* 1. Except as otherwise provided in this
8 subsection or in a contract between the department and the employer, a participant
9 who accepts a transitional subsidized private sector job with an employer selected
10 under s. 49.146 (2) is an employee of that employer for all purposes and in all
11 respects. The participant shall be supervised in the same manner as the employer's
12 other employees, shall be covered under the employer's worker's compensation
13 coverage, and shall receive his or her paycheck in the same manner as the employer's
14 other employees, with appropriate payroll deductions. The department may require
15 an employer to provide a sick leave benefit to a participant in a transitional
16 subsidized private sector job.

17 2. A participant working in a transitional subsidized private sector job may be
18 terminated from employment by the employer, in accordance with guidelines
19 established by the department, for misconduct, failure to perform work
20 satisfactorily, or repeated unexcused absences from work. A participant who
21 believes that he or she has been wrongfully terminated under this subdivision from
22 a transitional subsidized private sector job may appeal the termination to the
23 department.

24 (e) *Time-limited participation.* A participant under this subsection may be
25 employed in any one transitional subsidized private sector job for a maximum of 6

Sub J 14-4

1 months, unless granted an extension by the Wisconsin Works agency. A participant
 2 may be employed in more than one transitional subsidized private sector job, ~~but~~
 3 ~~may not exceed a total of 24 months of participation under this subsection. The~~
 4 ~~months~~ need not be consecutive. The department or, with the approval of the
 5 department, the Wisconsin Works agency may grant an extension of the 24-month
 6 limit on a case-by-case basis if any of the following applies:

- 7 1. The participant is employed under par. (b) 2. a. or b.
- 8 2. The participant has made all appropriate job search efforts but has been
- 9 unable to find unsubsidized employment because local labor market conditions
- 10 preclude a reasonable job opportunity for that participant, as determined by a
- 11 Wisconsin Works agency and approved by the department.

12 (f) *Unsubsidized employment search.* 1. Except as provided in subd. 2., a
 13 participant in a transitional subsidized private sector job shall search for
 14 unsubsidized employment throughout his or her participation, including any time
 15 during which the participant is pursuing education or training under par. (g). The
 16 Wisconsin Works agency shall determine, in accordance with guidelines established
 17 by the department, the number of hours that a participant in a transitional
 18 subsidized private sector job should reasonably spend searching for unsubsidized
 19 employment.

20 2. A Wisconsin Works agency may grant a participant in a transitional
 21 subsidized private sector job an exception to the requirement under subd. 1. if any
 22 of the following applies:

- 23 a. The participant is employed under par. (b) 2. a. or b.
- 24 b. The Wisconsin Works agency determines, in accordance with guidelines
- 25 established by the department, that the participant has made all appropriate job

1 search efforts but has been unable to find unsubsidized employment because local
2 labor market conditions preclude a reasonable job opportunity for that participant.

3 3. If the Wisconsin Works agency determines that a participant working in a
4 transitional subsidized private sector job is not making satisfactory or good faith
5 efforts to seek unsubsidized employment after having been given appropriate notice
6 by the Wisconsin Works agency, as defined by the department, the participant shall
7 be terminated from his or her employment in the transitional subsidized private
8 sector job. A participant who believes that he or she has been wrongfully terminated
9 under this subdivision may appeal the termination to the department.

10 (g) *Education or training substitution.* 1. If a participant has been employed
11 in a transitional subsidized private sector job for at least 2 weeks and the employer
12 determines that the participant's work performance has been satisfactory, the
13 participant and the Wisconsin Works agency, in consultation with the employer, may
14 enter into an agreement under which all of the following occur:

15 a. The participant enrolls in an education or training program that the
16 participant and Wisconsin Works agency agree has a high probability of enabling the
17 participant to acquire skills leading to unsubsidized employment.

18 b. The participant's work hours in the transitional subsidized private sector job
19 are reduced to between 15 and 20 hours per week.

20 c. The Wisconsin Works agency pays the participant a stipend equal to 90% of
21 the wages that the participant would have earned in the transitional subsidized
22 private sector job if his or her hours had not been reduced.

23 2. A stipend under subd. 1. c. may not be paid for longer than 3 months, unless
24 the Wisconsin Works agency recommends a longer period in accordance with
25 guidelines established by the department. In no case, however, may the stipend be

1 paid after the participant's employment in the transitional subsidized private sector
2 job terminates.

3 SECTION 38. 49.147 (4) (a) of the statutes is amended to read:

4 49.147 (4) (a) *Administration.* A Wisconsin ~~works~~ Works agency shall
5 administer a community service job program as part of its administration of
6 Wisconsin ~~works~~ Works to improve the employability of an individual who is not
7 otherwise able to obtain employment, as determined by the Wisconsin ~~works~~ Works
8 agency, by providing work experience and training, if necessary, to assist the
9 individual to move promptly into unsubsidized public or private employment or a
10 trial job. In determining an appropriate placement for a participant, a Wisconsin
11 ~~works~~ Works agency shall give placement under this subsection priority over
12 placements under sub. (5). If a Wisconsin Works agency determines that placement
13 is appropriate for a participant under either this subsection or sub. (3m), the
14 participant shall be allowed to choose between a placement under this subsection
15 under sub. (3m), to the extent of the availability of appropriate transitional
16 subsidized private sector jobs and community service jobs. Community service jobs
17 shall be limited to projects that the department determines would serve a useful
18 public purpose or projects the cost of which is partially or wholly offset by revenue
19 generated from such projects. After each 6 months of an individual's participation
20 under this subsection and at the conclusion of each assignment under this
21 subsection, a Wisconsin ~~works~~ Works agency shall reassess the individual's
22 employability.

✓
and a placement

Insert 16-22

23 SECTION 39. 49.147 (6) of the statutes is renumbered 49.1471, and 49.1471
24 (title), (1) (c), (2) (c) and (4) (intro.), as renumbered, are amended to read:

25 49.1471 (title) **Job Wisconsin Works; job access loan loans.**

1 (1) (c) The individual is not in default with respect to the repayment of any
2 previous job access loan or repayment of any grant ~~or~~, wage, or stipend overpayments
3 under this section Wisconsin Works.

4 (2) (c) The terms and conditions of repayment. The rules promulgated under
5 this ~~subdivision~~ paragraph shall provide for repayment by performance of in-kind
6 services. The rules shall establish criteria that the Wisconsin ~~works~~ Works agency
7 shall use to approve in-kind repayment of loans.

8 (4) MINOR CUSTODIAL PARENTS. (intro.) An individual who would be eligible for
9 a job access loan under ~~par. (a)~~ sub. (1), except that the individual has not attained
10 the age of 18, is eligible under this ~~paragraph~~ subsection if the individual meets the
11 following requirements:

12 **SECTION 40.** 49.147 (6m) of the statutes is created to read:

13 **49.147 (6m) PLACEMENT FLEXIBILITY.** Notwithstanding the placement priorities
14 specified in subs. (3) to (5), a Wisconsin Works agency shall, at the request of a
15 participant, allow the participant flexibility to participate in one or more work
16 components that are different from the one initially determined by the Wisconsin
17 Works agency to be appropriate for the participant.

18 **SECTION 41.** 49.148 (1) (intro.) of the statutes is amended to read:

19 **49.148 (1) BENEFIT LEVELS AND WAGES FOR PARTICIPANTS IN EMPLOYMENT**
20 **POSITIONS.** (intro.) A participant in a Wisconsin ~~works~~ Works employment position
21 shall receive the following benefits or wages:

22 **SECTION 42.** 49.148 (1) (am) of the statutes is created to read:

23 **49.148 (1) (am) *Transitional subsidized private sector jobs.*** For a participant
24 in a transitional subsidized private sector job, the prevailing federal minimum wage
25 for hours actually worked, paid by the participant's employer.

1 **SECTION 43.** 49.148 (1) (b) 1. of the statutes is amended to read:

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

14 **SECTION 44.** 49.148 (1m) (a) of the statutes is amended to read:

15 49.148 (1m) (a) A person who meets the eligibility requirements under s.
16 49.145 (2) and (3) and who is a custodial parent of a child who is 12 weeks-old or less
17 ~~and who meets the eligibility requirements under s. 49.145 (2) and (3)~~ may receive
18 a monthly grant of \$673 unless another adult member of the custodial parent's
19 Wisconsin ~~works~~ Works group is participating in, or is eligible to participate in, a
20 Wisconsin ~~works~~ Works employment position or is employed in unsubsidized
21 employment, ~~as defined in s. 49.147 (1) (e)~~. A Wisconsin ~~works~~ Works agency may
22 not require a participant under this subsection to participate in any Wisconsin Works
23 employment positions.

24 (b) 1. Receipt of a grant under this subsection does not constitute participation
25 in a Wisconsin ~~works~~ Works employment position for purposes of the time limits

1 under s. 49.145 (2) (n) or 49.147 (3) (c), (3m) (e), (4) (b), or (5) (b) 2. if the child is born
2 to the participant not more than 10 months after the date that the participant was
3 first determined to be eligible for assistance under s. 49.19 or for a Wisconsin ~~works~~
4 Works employment position.

5 **SECTION 45.** 49.148 (1m) (b) of the statutes is renumbered 49.148 (1m) (b) 2.
6 and amended to read:

7 49.148 (1m) (b) 2. Receipt of a grant under this subsection constitutes
8 participation in a Wisconsin ~~works~~ Works employment position for purposes of the
9 time limits under ss. 49.145 (2) (n) and 49.147 (3) (c), (3m) (e), (4) (b), or (5) (b) 2. if
10 the child is born to the participant more than 10 months after the date that the
11 participant was first determined to be eligible for assistance under s. 49.19 or for a
12 Wisconsin ~~works~~ Works employment position unless the child was conceived as a
13 result of a sexual assault in violation of s. 940.225 (1), (2), or (3) in which the mother
14 did not indicate a freely given agreement to have sexual intercourse or of incest in
15 violation of s. 944.06 or 948.06 and that incest or sexual assault has been reported
16 to a physician and to law enforcement authorities.

17 **SECTION 46.** 49.148 (4) (a) of the statutes is amended to read:

18 49.148 (4) (a) A Wisconsin ~~works~~ Works agency shall require a participant in
19 a transitional subsidized private sector job, community service job, or transitional
20 placement who, after August 22, 1996, was convicted in any state or federal court of
21 a felony that had as an element possession, use, or distribution of a controlled
22 substance to submit to a test for use of a controlled substance as a condition of
23 continued eligibility. If the test results are positive, the Wisconsin ~~works~~ Works
24 agency shall decrease the presanction benefit amount for ~~that a participant in a~~
25 community service job or a transitional placement not more than 15%, and shall

1 decrease the number of hours that a participant in a transitional subsidized private
2 sector job may work by up to 15%, for not fewer than 12 months, or for the remainder
3 of the participant's period of participation in a transitional subsidized private sector
4 job, community service job, or transitional placement, if less than 12 months. If, at
5 the end of 12 months, the individual is still a participant in a transitional subsidized
6 private sector job, community service job, or transitional placement and submits to
7 another test for use of a controlled substance and if the results of the test are
8 negative, the Wisconsin ~~works~~ Works agency shall discontinue the reduction in in
9 benefits or work hours under this paragraph.

10 **SECTION 47.** 49.148 (4) (b) of the statutes is amended to read:

11 49.148 (4) (b) The Wisconsin ~~works~~ Works agency may require an individual
12 who tests positive for use of a controlled substance under par. (a) to participate in a
13 drug abuse evaluation, assessment, and treatment program as part of the
14 participation requirement under s. 49.147 (4) (as) or (5) (bs) or as a condition of
15 employment in the transitional subsidized private sector job.

16 **SECTION 48.** 49.149 (intro.) of the statutes is repealed.

17 **SECTION 49.** 49.149 (1) of the statutes is renumbered 49.1465 (2) (a).

18 **SECTION 50.** 49.149 (3) of the statutes is renumbered 49.1465 (2) (b).

19 **SECTION 51.** 49.149 (4) of the statutes is renumbered 49.1465 (2) (c).

20 **SECTION 52.** 49.15 (3) (a) of the statutes is amended to read:

21 49.15 (3) (a) Unsubsidized employment, ~~as defined in s. 49.147 (1) (e).~~

22 **SECTION 53.** 49.152 (1) of the statutes is amended to read:

23 49.152 (1) PETITION FOR REVIEW. Any individual whose application for any
24 component of Wisconsin ~~works~~ Works is not acted upon by the Wisconsin ~~works~~
25 Works agency with reasonable promptness after the filing of the application, as

1 defined by the department by rule, or is denied in whole or in part, whose benefit,
2 wage, or stipend is modified or canceled, or who believes that the benefit, wage, or
3 stipend was calculated incorrectly or that the Wisconsin Works employment position
4 in which the individual was placed or the transitional subsidized private sector job
5 that the individual was offered is inappropriate, may petition the Wisconsin works
6 Works agency for a review of such action. Review is unavailable if the action by the
7 Wisconsin works Works agency occurred more than 45 days prior to submission of
8 the petition for review.

9 **SECTION 54.** 49.152 (3) (a) of the statutes is amended to read:

10 49.152 (3) (a) If, following review under sub. (2), the Wisconsin works Works
11 agency or the department determines that an individual, whose application for a
12 Wisconsin works Works employment position was denied based on eligibility, was in
13 fact eligible, or that the individual was placed in an inappropriate Wisconsin works
14 Works employment position or offered an inappropriate transitional subsidized
15 private sector job, the Wisconsin works Works agency shall place the individual in
16 the first available Wisconsin works Works employment position, or offer the
17 individual the first available transitional subsidized private sector job, that is
18 appropriate for that individual, as determined by the Wisconsin works Works agency
19 or the department. An individual who is placed in a Wisconsin works employment
20 position under this paragraph is eligible for the benefit for that position under s.
21 49.148 beginning on the date on which the individual begins participation under s.
22 49.147.

23 **SECTION 55.** 49.152 (3) (b) of the statutes is amended to read:

24 49.152 (3) (b) If, following review under sub. (2), the Wisconsin works Works
25 agency or the department determines that a participant's benefit, wage, or stipend

1 was improperly modified or canceled, or was calculated incorrectly, the Wisconsin
2 works Works agency shall restore the benefit, wage, or stipend to the level
3 determined to be appropriate by the Wisconsin works Works agency or by the
4 department retroactive to the date on which the benefit, wage, or stipend was first
5 improperly modified or canceled or incorrectly calculated.

6 **SECTION 56.** 49.155 (1m) (a) 3. of the statutes is amended to read:

7 49.155 (1m) (a) 3. Work in a Wisconsin works Works employment position,
8 including participation in job search, orientation and training activities under s.
9 49.147 (2) (a) or (3m) (f) and in education or training activities under s. 49.1465 or
10 49.147 (3) (am), (3m) (g), (4) (am), or (5) (bm).

11 **SECTION 57.** 49.161 (1m) of the statutes is created to read:

12 49.161 (1m) TRANSITIONAL SUBSIDIZED PRIVATE SECTOR JOBS OVERPAYMENTS.
13 Notwithstanding s. 49.96, the department shall recover an overpayment of wages
14 paid under s. 49.148 (1) (am) from the individual who received the wages and an
15 overpayment of a stipend paid under s. 49.147 (3m) (g) from the individual who
16 received the stipend. The department shall establish policies and procedures for
17 administering this subsection.

18 **SECTION 58.** 49.161 (3) (intro.) of the statutes is amended to read:

19 49.161 (3) OVERPAYMENTS CAUSED BY INTENTIONAL PROGRAM VIOLATIONS. (intro.)
20 If an overpayment under sub. (1), (1m), or (2) is the result of an intentional violation
21 of ss. 49.141 to 49.161 or of rules promulgated by the department under those
22 sections, the department shall recover the overpayment by deducting an amount
23 from the stipend received under s. 49.147 (3m) (g) or the benefits received under s.
24 49.148 (1) (a), (b), or (c), or by directing the employer to deduct an amount from a

1 participant's wages paid under s. 49.148 (1) (am), until the overpayment is recovered.

2 The amount to be deducted each month may not exceed the following:

3 **SECTION 59.** 49.161 (3) (a) of the statutes is amended to read:

4 49.161 (3) (a) For intentional program violations resulting in an overpayment
5 that is less than \$300, 10% of the amount of the monthly benefit, stipend, or wages
6 payment.

7 **SECTION 60.** 49.1635 (1) of the statutes is amended to read:

8 49.1635 (1) To the extent permitted under federal law and subject to sub. (2),
9 from the appropriation under s. 20.445 (3) (md) the department ~~shall~~ may distribute
10 funds to the Wisconsin Trust Account Foundation in an amount equal up to the
11 amount received by the foundation from private donations, but not to exceed
12 \$100,000 in ~~each~~ a fiscal year. Except as provided in sub. (4), funds distributed under
13 this subsection may be used only for the provision of legal services to individuals who
14 are eligible for temporary assistance for needy families under 42 USC 601 et seq. and
15 whose incomes are at or below 200% of the poverty line.

16 **SECTION 61.** 49.175 (1) (n) of the statutes is amended to read:

17 49.175 (1) (n) *Job access loans.* For job access loans under s. ~~49.147 (6)~~ 49.1471,
18 \$600,000 in each fiscal year.

19 **SECTION 62.** 49.179 of the statutes is repealed.

20 **SECTION 63.** 49.195 (title) of the statutes is amended to read:

21 **49.195 (title) Recovery of aid to families with dependent children and**
22 **Wisconsin works benefits Works payments.**

23 **SECTION 64.** 49.195 (1) of the statutes is amended to read:

24 *plain* → 49.195 (1) If any parent individual at the time of receiving aid under s. 49.19,
25 a stipend under s. 49.147 (3m) (g), or a benefit under s. 49.148, 49.155, or 49.157, or

1 at any time thereafter, acquires property by gift, inheritance, sale of assets, court
 2 judgment, or settlement of any damage claim, or by winning a lottery or prize, the
 3 county granting such aid, or the Wisconsin works Works agency granting such a
 4 stipend or benefit, may sue the ^{plain} ~~parent~~ ~~with~~ on behalf of the department to
 5 recover the value of that portion of the aid ~~or of the~~ stipend, or benefit which that
 6 does not exceed the amount of the property so acquired. The value of the aid, stipend,
 7 or benefit liable for recovery under this section may not include the value of work
 8 performed by a member of the family in a community work experience program
 9 under s. 46.215 (1) (o), 1991 stats., s. 46.22 (1) (b) 11., 1991 stats., or s. 49.50 (7j) (d),
 10 1991 stats., or in a community work experience component under s. 49.193 (6), 1997
 11 stats. During the life of the ^{plain} ~~parent~~ ~~with~~, the 10-year statute of limitations may
 12 be pleaded in defense against any suit for recovery under this section; and if such
 13 property is his or her homestead it shall be exempt from execution on the judgment
 14 of recovery until his or her death or sale of the property, whichever occurs first.
 15 Notwithstanding the foregoing restrictions and limitations, ~~where~~ if the aid, stipend,
 16 or benefit recipient is deceased, a claim may be filed against any property in his or
 17 her estate and the statute of limitations specified in s. 859.02 shall be exclusively
 18 applicable. The court may refuse to render judgment or allow the claim in any case
 19 where a parent, spouse, or child is dependent on the property for support, and the
 20 court in rendering judgment shall take into account the current family budget
 21 requirement as fixed by the U.S. department of labor for the community or as fixed
 22 by the authorities of the community in charge of public assistance. The records of
 23 aid, stipend, or benefits paid kept by the county, by the department, or by the
 24 Wisconsin works Works agency are prima facie evidence of the value of the aid,
 25 stipend, or benefits furnished paid. Liability under this section shall extend to any

1 parent or stepparent whose family receives aid under s. 49.19, a stipend under s.
2 49.147 (3m) (g), or benefits under s. 49.148, 49.155, or 49.157 during the period that
3 he or she is a member of the same household, but his or her liability is limited to such
4 period. This section does not apply to medical and health assistance payments for
5 which recovery is prohibited or restricted by federal law or regulation.

6 **SECTION 65.** 49.195 (3) of the statutes is amended to read:

7 49.195 (3) A county, tribal governing body, or Wisconsin works Works agency
8 or the department shall determine whether an overpayment has been made under
9 s. ~~49.19~~ 49.147 (3m) (g), 49.148, 49.155 ~~or~~, 49.157, or 49.19 and, if so, the amount of
10 the overpayment. The county, tribal governing body, or Wisconsin works Works
11 agency or the department shall provide notice of the overpayment to the liable
12 person. The department shall give that person an opportunity for a review following
13 the procedure specified under s. 49.152, if the person received the overpayment
14 under s. 49.141 to 49.161, and for a hearing under ch. 227. Notwithstanding s. 49.96,
15 the department shall promptly recover all overpayments made under s. ~~49.19~~ 49.147
16 (3m) (g), 49.148, 49.155 ~~or~~, 49.157, or 49.19 that have not already been received under
17 s. 49.161 or 49.19 (17) and shall promulgate rules establishing policies and
18 procedures to administer this subsection. The rules shall include notification
19 procedures similar to those established for child support collections.

20 **SECTION 66.** 49.22 (6) of the statutes is amended to read:

21 49.22 (6) The department shall establish, pursuant to federal and state laws,
22 rules, and regulations, a uniform system of fees for services provided under this
23 section to individuals not receiving aid under s. 46.261, 49.19, or 49.47; stipends
24 under s. 49.147 (3m) (g); benefits or wages under s. 49.148, 49.155, or 49.79; foster
25 care maintenance payments under 42 USC 670 to 679a; or kinship care payments

1 under s. 48.57 (3m) or long-term kinship care payments under s. 48.57 (3n). The
2 system of fees may take into account an individual's ability to pay. Any fee paid and
3 collected under this subsection may be retained by the county providing the service
4 except for the fee specified in 42 USC 653 (e) (2) for federal parent locator services.

5 **SECTION 67.** 49.26 (1) (g) (intro.) of the statutes is amended to read:

6 49.26 (1) (g) (intro.) An individual who is a dependent child in a Wisconsin
7 ~~works~~ Works group that includes a participant under s. 49.147 (3), ~~(3m)~~, (4), or (5)
8 or who is a recipient of aid under s. 49.19 is subject to the school attendance
9 requirement under par. (ge) if all of the following apply:

10 **SECTION 68.** 49.26 (1) (h) 1s. b. of the statutes is amended to read:

11 49.26 (1) (h) 1s. b. An individual who is a dependent child in a Wisconsin ~~works~~
12 Works group that includes a participant under s. 49.147 (3), ~~(3m)~~, (4), or (5) and who
13 fails to meet the school attendance requirement under par. (ge) is subject to a
14 monthly sanction.

15 **SECTION 69.** 49.26 (1) (hm) of the statutes is amended to read:

16 49.26 (1) (hm) The department may require consent to the release of school
17 attendance records, under s. 118.125 (2) (e), as a condition of eligibility for ~~benefits~~
18 participation under s. 49.147 (3) to (5) or aid under s. 49.19.

19 **SECTION 70.** 49.30 (1) (intro.) of the statutes is amended to read:

20 49.30 (1) (intro.) Except as provided in sub. (1m), if any recipient of a stipend
21 under s. 49.147 (3m) (g) or of benefits or wages under s. 49.148, 49.46, or 49.77, or
22 under 42 USC 1381 to 1385 in effect on May 8, 1980, dies and the estate of the
23 deceased recipient is insufficient to pay the funeral, burial, and cemetery expenses
24 of the deceased recipient, the county or applicable tribal governing body or
25 organization responsible for burial of the recipient shall pay, to the person

1 designated by the county department under s. 46.215, 46.22, or 46.23 or applicable
2 tribal governing body or organization responsible for the burial of the recipient, all
3 of the following:

4 **SECTION 71.** 49.32 (4) of the statutes is repealed.

5 **SECTION 72.** 49.32 (9) (a) of the statutes is amended to read:

6 49.32 (9) (a) Each county department under s. 46.215, 46.22, or 46.23
7 administering aid to families with dependent children shall maintain a monthly
8 report at its office showing the names of all persons receiving aid to families with
9 dependent children together with the amount paid during the preceding month.
10 Each Wisconsin ~~works~~ Works agency administering Wisconsin ~~works~~ Works under
11 ss. 49.141 to 49.161 shall maintain a monthly report at its office showing the names
12 of all persons receiving stipends under s. 49.147 (3m) (g) or benefits or wages under
13 s. 49.148 together with the amount paid during the preceding month. Nothing in this
14 paragraph shall be construed to authorize or require the disclosure in the report of
15 any information (~~, including names, amounts of aid, or otherwise~~) other information,
16 pertaining to adoptions, or aid furnished for the care of children in foster homes or
17 treatment foster homes under s. 46.261 or 49.19 (10).

18 **SECTION 73.** 49.32 (10) (b) of the statutes is amended to read:

19 49.32 (10) (b) If a law enforcement officer believes, on reasonable grounds, that
20 a warrant has been issued and is outstanding for the arrest of a Wisconsin ~~works~~
21 Works participant, the law enforcement officer may request that a law enforcement
22 officer be notified when the participant appears to obtain his or her stipend or
23 benefits under the Wisconsin ~~works~~ Works program. At the request of a law
24 enforcement officer under this paragraph, an employee of a Wisconsin ~~works~~ Works

1 agency who disburses stipends or benefits may notify a law enforcement officer when
2 the participant appears to obtain ~~Wisconsin works~~ his or her stipend or benefits.

3 **SECTION 74.** 49.32 (10m) (a) of the statutes is amended to read:

4 49.32 (10m) (a) A county department, relief agency under s. 49.01 (3m), or
5 Wisconsin ~~works~~ Works agency shall, upon request, and after providing the notice
6 to the recipient required by this paragraph, release the current address of a recipient
7 of relief under s. 49.01 (3), aid to families with dependent children, a stipend under
8 s. 49.147 (3m) (g), or benefits or wages under s. 49.148 to a person, the person's
9 attorney, or an employee or agent of that attorney, if the person is a party to a legal
10 action or proceeding in which the recipient is a party or a witness, unless the person
11 is a respondent in an action commenced by the recipient under s. 813.12, 813.122,
12 813.123, 813.125, or 813.127. If the person is a respondent in an action commenced
13 by the recipient under s. 813.12, 813.122, 813.123, 813.125, or 813.127, the county
14 department, relief agency, or Wisconsin ~~works~~ Works agency may not release the
15 current address of the recipient. No county department, relief agency, or Wisconsin
16 ~~works~~ Works agency may release an address under this paragraph until 21 days after
17 the address has been requested. A person requesting an address under this
18 paragraph shall be required to prove his or her identity and his or her participation
19 as a party in a legal action or proceeding in which the recipient is a party or a witness
20 by presenting a copy of the pleading or a copy of the subpoena for the witness. The
21 person shall also be required to sign a statement setting forth his or her name,
22 address, and the reasons for making the request and indicating that he or she
23 understands the provisions of par. (b) with respect to the use of the information
24 obtained. The statement shall be made on a form prescribed by the department and
25 shall be sworn and notarized. Within 7 days after an address has been requested

1 under this paragraph, the county department, relief agency, or Wisconsin ~~works~~
2 Works agency shall mail to each recipient whose address has been requested a
3 notification of that fact on a form prescribed by the department. The form shall also
4 include the date on which the address was requested, the name and address of the
5 person who requested the disclosure of the address, the reason that the address was
6 requested, and a statement that the address will be released to the person who
7 requested the address no sooner than 21 days after the date on which the request for
8 the address was made. County departments, relief agencies, and Wisconsin ~~works~~
9 Works agencies shall keep a record of each request for an address under this
10 paragraph.

11 **SECTION 75.** 49.36 (2) of the statutes is amended to read:

12 49.36 (2) The department may contract with any county, tribal governing body,
13 or Wisconsin ~~works~~ Works agency to administer a work experience and job training
14 program for parents who are not custodial parents and who fail to pay child support
15 or to meet their children's needs for support as a result of unemployment or
16 underemployment. The program may provide the kinds of work experience and job
17 training services available from the program under s. 49.193, 1997 stats., or s. 49.147
18 (3), ~~(3m)~~, or (4). The program may also include job search and job orientation
19 activities. The department shall fund the program from the appropriation under s.
20 20.445 (3) (dz).

21 **SECTION 76.** 49.95 (4m) (a) of the statutes is amended to read:

22 49.95 (4m) (a) Without legal authority, sends or brings a person to a county,
23 tribal governing body, or municipality or advises a person to go to a county, tribal
24 governing body, or municipality for the purpose of obtaining relief funded by a relief
25 block grant, wages, a stipend, or benefits under the Wisconsin ~~works~~ Works program

1 under ss. 49.141 to 49.161, aid to families with dependent children under s. 49.19,
2 medical assistance under subch. IV, or food stamps under 7 USC 2011 to 2029.

3 **SECTION 77.** 49.95 (11) of the statutes is amended to read:

4 49.95 (11) “Public assistance” as used in this section includes relief funded by
5 a relief block grant and wages, a stipend, or benefits under ss. 49.141 to 49.161.

6 **SECTION 78.** 49.96 of the statutes is amended to read:

7 **49.96 Assistance grants exempt from levy.** All grants of aid to families with
8 dependent children, stipends paid under s. 49.147 (3m) (g), payments made under
9 ~~ss. s. 48.57 (3m) or (3n), 49.148 (1) (b) 1. or (c) or (1m) or 49.149 to 49.159, 49.155, or~~
10 49.157, payments made for social services, cash benefits paid by counties under s.
11 59.53 (21), and benefits under s. 49.77 or federal Title XVI, are exempt from every
12 tax, and from execution, garnishment, attachment, and every other process and shall
13 be inalienable.

14 **SECTION 79.** 59.53 (5) (a) of the statutes is amended to read:

15 59.53 (5) (a) The board shall contract with the department of workforce
16 development to implement and administer the child and spousal support and
17 establishment of paternity and the medical support liability programs provided for
18 by Title IV of the federal social security act. The board may designate by board
19 resolution any office, officer, board, department, or agency, except the clerk of circuit
20 court, as the county child support agency. The board or county child support agency
21 shall implement and administer the programs in accordance with the contract with
22 the department of workforce development. The attorneys responsible for support
23 enforcement under sub. (6) (a), circuit court commissioners, and all other county
24 officials shall cooperate with the county and the department of workforce
25 development as necessary to provide the services required under the programs. The

1 county shall charge the fee established by the department of workforce development
2 under s. 49.22 for services provided under this paragraph to persons not receiving
3 a stipend under s. 49.147 (3m) (g), benefits or wages under s. 49.148 ~~or~~, 49.155, or
4 49.157, or assistance under s. 46.261, 49.19, or 49.47.

5 **SECTION 80.** 102.07 (17m) of the statutes is amended to read:

6 102.07 (17m) A participant in a trial job under s. 49.147 (3) or a transitional
7 subsidized private sector job under s. 49.147 (3m) is an employee of any employer
8 under this chapter for whom the participant is performing service at the time of the
9 injury.

10 **SECTION 81.** 227.01 (13) (zL) of the statutes is created to read:

11 227.01 (13) (zL) Establishes guidelines under s. 49.147 (3m) (c), (d) 2., (f) 1. or
12 2. b., or (g) 2. for transitional subsidized private sector jobs under Wisconsin Works.

13 **SECTION 82.** 767.045 (1) (c) 1. of the statutes is amended to read:

14 767.045 (1) (c) 1. Aid is provided under s. 46.261, 48.57 (3m) or (3n), 49.19, or
15 49.45 on behalf of the child, or wages or a stipend are paid to or benefits are provided
16 to the child's custodial parent under ss. 49.141 to 49.161, but the state and its
17 delegate under s. 49.22 (7) are barred by a statute of limitations from commencing
18 an action under s. 767.45 on behalf of the child.

19 **SECTION 83.** 767.075 (1) (c) of the statutes is amended to read:

20 767.075 (1) (c) Whenever aid under s. 46.261, 48.57 (3m) or (3n), 49.19, or 49.45
21 is provided on behalf of a dependent child or wages or a stipend are paid to or benefits
22 are provided to the child's custodial parent under ss. 49.141 to 49.161.

23 **SECTION 84.** 767.075 (1) (cm) of the statutes is amended to read:

24 767.075 (1) (cm) Whenever aid under s. 46.261, 48.57 (3m) or (3n), 49.19, or
25 49.45 has, in the past, been provided on behalf of a dependent child, or wages or a

1 stipend have, in the past, been paid to or benefits have, in the past, been provided
2 to the child's custodial parent under ss. 49.141 to 49.161, and the child's family is
3 eligible for continuing child support services under 45 CFR 302.33.

4 **SECTION 85.** 767.15 (1) of the statutes is amended to read:

5 767.15 (1) In any action affecting the family in which either party is a recipient
6 of wages, a stipend, or benefits under ss. 49.141 to 49.161 or aid under s. 46.261,
7 49.19, or 49.45, each party shall, either within 20 days after making service on the
8 opposite party of any motion or pleading requesting the court or circuit court
9 commissioner to order, or to modify a previous order, relating to child support,
10 maintenance, or family support, or before filing the motion or pleading in court, serve
11 a copy of the motion or pleading upon the county child support agency under s. 59.53
12 (5) of the county in which the action is begun.

13 **SECTION 86.** 767.24 (6) (c) of the statutes is amended to read:

14 767.24 (6) (c) In making an order of joint legal custody and periods of physical
15 placement, the court may specify one parent as the primary caretaker of the child and
16 one home as the primary home of the child, for the purpose of determining eligibility
17 for aid under s. 49.19 or wages, a stipend, or benefits under ss. 49.141 to 49.161 or
18 for any other purpose the court considers appropriate.

19 **SECTION 87.** 767.47 (6) (a) of the statutes is amended to read:

20 767.47 (6) (a) Whenever the state brings the action to determine paternity
21 pursuant to an assignment under s. 46.261, 48.57 (3m) (b) 2. or (3n) (b) 2., 49.19 (4)
22 (h) 1., or 49.45 (19), or receipt of a stipend under s. 49.147 (3m) (g) or benefits or wages
23 under s. 49.148, 49.155, or 49.157 ~~or 49.159~~, the natural mother of the child may not
24 be compelled to testify about the paternity of the child if it has been determined that
25 the mother has good cause for refusing to cooperate in establishing paternity as

1 provided in 42 USC 602 (a) (26) (B) and the federal regulations promulgated
2 pursuant to this statute, as of July 1, 1981, and pursuant to any rules promulgated
3 by the department which define good cause in accordance with the federal
4 regulations, as authorized by 42 USC 602 (a) (26) (B) in effect on July 1, 1981.

5 **SECTION 88.** 767.47 (6) (b) of the statutes is amended to read:

6 767.47 (6) (b) Nothing in par. (a) prevents the state from bringing an action to
7 determine paternity pursuant to an assignment under s. 48.57 (3m) (b) 2. or (3n) (b)
8 2., 49.19 (4) (h) 1., or 49.45 (19), or receipt of a stipend under s. 49.147 (3m) (g) or
9 benefits or wages under s. 49.148, 49.155, or 49.157 or 49.159, where evidence other
10 than the testimony of the mother may establish the paternity of the child.

11 **SECTION 89.** 814.61 (13) of the statutes is amended to read:

12 814.61 (13) SUPPORT OR MAINTENANCE PETITION. For the cost of court services,
13 whenever a person not receiving a stipend under s. 49.147 (3m) (g), benefits or wages
14 under s. 49.148 or, 49.155, or 49.157, or aid under s. 49.19, 49.46, 49.465, 49.468, or
15 49.47 files a petition requesting child support, maintenance, or family support
16 payments, \$10 in addition to any other fee required under this section. This
17 subsection does not apply to a petition filed by the state or its delegate.

18 **SECTION 9159. Nonstatutory provisions; workforce development.**

19 (1) COMMUNITY REINVESTMENT FUNDS. The department of workforce
20 development may not pay to Wisconsin Works agencies any community
21 reinvestment funds earned under contracts that were entered into under section
22 49.143 of the statutes and that had terms beginning on January 1, 2000, and ending
23 on December 31, 2001.

24 (2) USES FOR OTHER FEDERAL FUNDING. The department of workforce
25 development shall investigate ways in which federal funding other than Temporary

1 Assistance for Needy Families block grants, including but not limited to Workforce
2 Investment Act funding, may be used by the state to create a more seamless system
3 of employment and education and training services for low-income adults in the
4 state. The department of workforce development shall submit a report on the
5 findings of its investigation to the department of administration no later than
6 December 31, 2003.

7 (3) STUDY ON ASSISTANCE WITH LABOR MARKET PARTICIPATION. The department of
8 workforce development shall conduct a study to determine the best ways to assist
9 low-income custodial parents and other at-risk low-income adults in entering and
10 successfully participating in the labor market. The department of workforce
11 development is encouraged, in conducting the study, to consult with other state
12 agencies, public and private organizations, and individuals with expertise in the
13 subject area. The department of workforce development shall, no later than June 30,
14 2004, submit a report on the results of the study, including the department's findings
15 and recommendations, to the legislature in the manner provided in section 13.172
16 (2) of the statutes and to the governor.

17 **SECTION 9459. Effective dates; workforce development.**

18 (1) WISCONSIN WORKS. The treatment of sections 20.445 (3) (dz), (e), and (jL),
19 49.015 (2), 49.13 (2) (cm), 49.136 (2) (b), 49.141 (1) (e), (mc), (o), and (om), (4), and (5)
20 (a), 49.143 (2) (a) 2., 4., 5., and 6., (f), and (fm), and (3g) (a) (intro.), 1., 2., 3., 4., 5.,
21 and 6., 49.145 (1), (2) (i) and (s), and (3) (b) 1., 49.1465, 49.147 (title), (1), (1m), (3)
22 (a), (3m), (4) (a), (6), and (6m), 49.148 (1) (intro.), (am), and (b) 1., (1m) (a) and (b), and
23 (4) (a) and (b), 49.149 (intro.), (1), (3), and (4), 49.15 (3) (a), 49.152 (1) and (3) (a) and
24 (b), 49.155 (1m) (a) 3., 49.161 (1m) and (3) (intro.) and (a), 49.1635 (1), 49.175 (1) (n),
25 49.179, 49.195 (title), (1), and (3), 49.22 (6), 49.26 (1) (g) (intro.), (h) 1s. b., and (hm),

(2)(a) 1.)

21
22

(5)(a) 3.)

1 49.30 (1) (intro.), 49.32 (4), (9) (a), (10) (b), and (10m) (a), 49.36 (2), 49.95 (4m) (a) and
 2 (11), 49.96, 59.53 (5), 102.07 (17m), 227.01 (13) (zL), 767.045 (1) (c) 1., 767.075 (1) (c)
 3 and (cm), 767.15 (1), 767.24 (6) (c), 767.47 (6) (a) and (b), and 814.61 (13) of the
 4 statutes, the renumbering and amendment of section 49.146 of the statutes, the
 5 amendment of section 49.146 (title) of the statutes, and the creation of section 49.146
 6 (2) of the statutes take effect on January 1, 2004.

(END)

J-note

Erin
Erin:

This version adds an analysis and
does the following:

- ✓ 1. Adds ^{the} word "under" in s. 49.13 (2) (cm).
- ✓ 2. Amends s. 49.147 (2) (a) 1.
- ✓ 3. Adds language at the end of the first sentence in s. 49.147 (3m) (a) 1.
- ✓ 4. Changes "or" to "and a placement" in the second sentence of s. 49.147 (3m) (a) 1.
- ✓ 5. Adds some new language to the second sentence in s. 49.147 (3m) (e).
- ✓ 6. ~~Amends~~ substitutes the "and a placement" language in s. 49.147 (4) (a).
 (the language added to)
- ✓ 7. Amends s. 49.147 (5) (a) 3.
- ✓ 8. Changes ~~the~~ "individual" back to "parent" in s. 49.195 (1).

PJK

INSERT A

Wisconsin Works program

The Wisconsin Works (W-2) program under current law provides work experience and benefits for low-income custodial parents who are at least 18 years old, as well as job search assistance to noncustodial parents who are required to pay child support, to minor custodial parents, and to pregnant women who are not ~~not~~ custodial parents. Also, an individual who is the parent of a child under the age of 13 or, if the child is disabled, under the age of 19, is eligible for a child care subsidy under the W-2 program if the individual needs child care services in order to participate in various educational or work activities. The W-2 program is administered overall by DWD, and DWD contracts with W-2 agencies to administer the program on the local level. The W-2 program is funded with federal Temporary Assistance for Needy Families (TANF) block grant monies, federal child care block grant monies, and state general purpose revenue ~~that is required under maintenance of effort provisions~~. In general, an individual may not participate in W-2 more than five years, which need not be continuous ~~participation~~.

Trial jobs

The work components under W-2, called employment positions, consist of three categories: trial job, community service job, and transitional placement. Employers for all employment positions must meet criteria established by DWD by rule, and all participants in all employment positions must search for unsubsidized employment the entire time that they are participating in any W-2 employment position. When determining which employment position is ^{the} most appropriate placement for a participant, a W-2 agency must give the highest priority to trial jobs. A participant in a trial job is paid, by his or her employer in the trial job, at least the minimum wage for every hour actually worked, but not exceeding 40 hours per week, including education and training activities, which are required as part of a trial job. The W-2 agency pays a wage subsidy of \$300 per month for full-time employment of a W-2 participant to a trial job employer that agrees to make a good faith effort to retain the participant as a permanent unsubsidized employee after the trial job terminates. For part-time employment, a trial job employer is paid a portion of \$300 per month, based on the number of hours the participant works. The employer is responsible for providing worker's compensation coverage for a trial job employee. Unless the W-2 agency grants an extension, a participant may work in any one trial job for up to three months, and for up to 24 months, which need not be consecutive, in more than one trial job.

Community service jobs

A W-2 agency must give higher priority to community service jobs than transitional ~~jobs~~ when placing a W-2 participant. Community service jobs are limited to projects that DWD determines will serve a useful public purpose or that will generate revenue that will wholly or partially offset the project's cost. A participant in a community service job may not work more than 30 hours per week and may be required to participate in education or training activities for up to 10

monies

money

placement

ten

to

hours per week. A participant in a community service job who works more than 20 hours per week receives, from the W-2 agency, a monthly grant of \$673. The grant amount is reduced if the participant works 20 or fewer hours per week. In addition, the monthly grant that a participant would receive based on the number of his or her work hours is reduced by \$5.15 for every hour of work that a participant misses without good cause. Generally, the W-2 agency must provide worker's compensation coverage for a participant in a community service job. Unless the W-2 agency grants an extension, a participant may work in any one community service job for up to six months, and for up to 24 months, which need not be consecutive, in more than one community service job.

Transitional placement

A W-2 participant may be placed in a transitional placement if he or she has been or will be incapacitated for at least 60 days, is needed at home because of the illness or incapacity of a member of his or her household, or is determined to be incapable of performing a trial job or community service job. A transitional placement may consist of work activities in a community rehabilitation program, a job similar to a community service job, or volunteer activities. A participant in a transitional placement may be required to engage in the work activities for up to 28 hours per week and in educational and training activities for up to 12 hours per week.  a participant in a transitional placement may be required to participate in mental health activities, counseling or rehabilitation activities, or alcohol and other drug abuse treatment.  A participant in a transitional placement receives, from the W-2 agency, a monthly grant of \$628. The grant amount is reduced by \$5.15 for every hour that a participant fails to participate in any required activity without good cause. Generally, the W-2 agency must provide worker's compensation coverage for a participant in a transitional placement. Unless the W-2 agency grants an extension, a participant may participate in a transitional placement for up to 24 months, which need not be consecutive. 

Transitional subsidized private sector jobs

This bill creates a new employment position in the W-2 program, called a transitional subsidized private sector job. A W-2 agency must give placement in a transitional subsidized private sector job the same priority as placement in a community service job. If a W-2 agency determines that placement in either a transitional subsidized private sector job or a community service job is appropriate for a participant, the participant must be allowed to choose between the two placements. A participant who chooses placement in a transitional subsidized private sector job will be offered a choice of one or more jobs in locations that are reasonably accessible to the participant.

An employer for a transitional subsidized private sector job must be a nonprofit corporation selected by DWD in a request-for-proposals process. To be selected, an employer must show, among other things, the ability to create useful transitional subsidized private sector jobs that benefit the community. An employer that is selected and that employs a participant in a transitional subsidized private sector job will be reimbursed by DWD for 100% of the employer's costs that are attributable to employing the participant, including wages, federal social security taxes, worker's

compensation and liability insurance premiums, unemployment contributions or taxes, if any, and supervisory and other overhead costs.

Each transitional subsidized private sector job will be designed by the employer, in consultation with DWD and the W-2 agency, for the participant who is offered the job. DWD may design a transitional subsidized private sector job that allows a participant to work in a sheltered workshop or to care for a severely disabled child or other relative. Each transitional subsidized private sector job must provide between 25 and 30 hours of work per week. A participant in a transitional subsidized private sector job is an employee of his or her employer for all purposes and must be paid at least the federal minimum wage by the employer for each hour actually worked. DWD may require that a participant in a transitional subsidized private sector job be given a sick leave benefit.

remove 2 spaces

After a participant has been working satisfactorily in a transitional subsidized private sector job for at least two weeks, the participant and W-2 agency, in consultation with the employer, may enter into an agreement under which the participant would enroll in an education or training program that would enable the participant to acquire skills leading to unsubsidized employment, the participant's hours on the transitional subsidized private sector job would be reduced to between 15 and 20 hours, and the W-2 agency would pay the participant a stipend equal to 90% of what the participant would have earned on the transitional subsidized private sector job if his or her hours had not been reduced. An education stipend may be paid for no longer than three months or until the transitional subsidized private sector job terminates, whichever is the shorter time.

Unless the W-2 agency grants an extension, a participant may work in any one transitional subsidized private sector job for up to six months, and for up to 24 months, which need not be consecutive, in more than one transitional subsidized private sector job. A participant in a transitional subsidized private sector job, however, may be terminated by his or her employer for misconduct, failure to perform work satisfactorily, or repeated unexcused absences. A participant may also be terminated from a transitional subsidized private sector job by the W-2 agency for not making a good faith effort to seek unsubsidized employment. In either case, a participant who believes that he or she was wrongfully terminated may appeal the termination to DWD.

Miscellaneous program changes and studies

The bill makes a couple of other changes to the W-2 program. Under current law, W-2 agencies may be paid performance bonuses on the basis of a number of factors, such as customer satisfaction, placement of W-2 employment position participants in unsubsidized employment, wages and benefits earned by former participants in W-2 employment positions, and the job retention rate of former participants in W-2 employment positions. The bill changes the basis for performance bonuses to only wages and benefits earned in unsubsidized employment by former participants in W-2 employment positions. Also under the bill, in spite of the placement priorities that W-2 agencies are required to follow, W-2 agencies are directed to provide participants in W-2 employment positions with flexibility to participate in other categories of employment positions, at their request.

the participants

also

The bill directs DWD to conduct a study to determine the best ways to assist low-income custodial parents and other at-risk low-income adults in entering and successfully participating in the labor market. DWD must submit a report with its findings and recommendations to the governor and legislature. The bill directs DWD to investigate ways in which federal funding other than TANF block grants can be used to create a more seamless system of employment and education training services for low-income adults in the state and to submit a report on its findings to DOA.

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

(END OF INSERT A)

INSERT 10-10

1 SECTION 1. 49.147 (2) (a) 1. of the statutes is amended to read:

2 49.147 (2) (a) 1. An individual who applies for a Wisconsin ~~works~~ Works
3 employment position may be required by the Wisconsin ~~works~~ Works agency to
4 search for unsubsidized employment during the period that his or her application is
5 being processed as a condition of eligibility. A Subject to sub. (3m) (f) a participant
6 in a Wisconsin ~~works~~ Works employment position shall search for unsubsidized
7 employment throughout his or her participation. The department shall define by
8 rule satisfactory search efforts for unsubsidized employment.

History: 1995 a. 289; 1997 a. 27; 1999 a. 9; 2001 a. 16.

(END OF INSERT 10-10)

INSERT 11-7

9 ^{WOF} to improve the employability of individuals who are not otherwise able to obtain
10 unsubsidized employment, as determined by the Wisconsin Works agency

(END OF INSERT 11-7)

INSERT 14-4



Ins 14-4

1 ^{wof} and at the conclusion of each assignment under this subsection, the Wisconsin
2 Works agency shall reassess the individual's employability. A participant's
3 employment under this subsection may not exceed 24 months, which

(END OF INSERT 14-4)

INSERT 16-22

4 **SECTION 2.** 49.147 (5) (a) 3. of the statutes is amended to read:
5 49.147 (5) (a) 3. The Wisconsin ~~works~~ Works agency determines that the
6 individual is incapable of performing a trial job, transitional subsidized private
7 sector job, or community service job.

History: 1995 a. 289; 1997 a. 27; 1999 a. 9; 2001 a. 16.

(END OF INSERT 16-22)

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1256/P3dn
PJK:cjs:rs

January 31, 2003

Erin:

This version adds an analysis and does the following:

1. Adds the word "under" in s. 49.13 (2) (cm).
2. Amends s. 49.147 (2) (a) 1.
3. Adds language at the end of the first sentence in s. 49.147 (3m) (a) 1.
4. Changes "or" to "and a placement" in the second sentence of s. 49.147 (3m) (a) 1.
5. Adds some new language to the second sentence in s. 49.147 (3m) (e).
6. Substitutes the "and a placement" language in the language added to s. 49.147 (4) (a).
7. Amends s. 49.147 (5) (a) 3.
8. Changes "individual" back to "parent" in s. 49.195 (1).

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

Kahler, Pam

From: Fath, Erin
Sent: Saturday, February 01, 2003 1:44 PM
To: Kahler, Pam
Cc: Riemer, David; Kraus, Jennifer
Subject: W-2 draft 1256/P2

Pam, I received the /P3 version of this draft and saw the modifications. They are all fine. I will read the analysis and let you know if I see any problems with it.

In response to your notes from version /P2:

1. There are a few changes we need to make:

- ✓ The Governor decided to change the caretaker of a newborn infant placement from 3 months to 6 months, so the language under s.49.148 (1m)(a) [Section 46 of the draft] must be amended to reflect that. *analysis*
- ✓ Under section 37 of the draft, delete the reference to "sheltered workshop" - just retain the phrase "supported employment".
- 7 • Under section 54 of the draft (/P2 version - p. 21, line 20): do we need to add a reference to wages (for transitional jobs) after the word "benefit"?

2. W-2 agency/Department responsibilities:

- ✓ As I understand it, the W-2 agencies' responsibilities are captured under s.49.143 (2) - I think your modifications to that sections are appropriate. I think it is appropriate to not include transitional jobs under s.49.143 (2) (a) 3. - because it will be the department's responsibility to ensure that transitional subsidized jobs are created.
- ✓ I see that you created new language under s.227.01(13)(zL) that refers to establishing guidelines for transitional subsidized private sector jobs under W-2. Does this get at the department's responsibility to ensure that the transitional jobs are created? If not, do we need to add explicit language to this effect anywhere in the statutes (or did I maybe miss it in my review of the draft?)

3. OK - I was able to follow the changes.

4. s.49.151 - W-2; sanctions (for refusal to participate 3 times): I need to discuss with David to see if he wants to include or exclude transitional jobs from this section.

5. s.49.161 - Overpayments: I think your modifications to this section are appropriate (again though, David or Jenny may want to comment).

6. Adding/not adding "wages" to certain sections: I am still in agreement with your treatment of wages with respect to these section. However, I'd like to go through each of the sections with Jenny and/or David before giving the final OK.

7. Cross reference to s.49.157: I think it's OK for s.49.96, because it looks like s.49.157 was included in current law ("s.49.149 to s.49.159"). However, it seems that it would be adding something new to s.59.53 (5) (a), s.814.61 (13) and s.49.22 (6), and I'm not sure if we want to do this. Can you tell me why you changed it for s.59.53 (5) (a) and s.814.61 (13)?

We can talk more about this on Monday.

Thanks!

Erin K. Fath

Wisconsin State Budget Office
(608) 266-8219
Erin.Fath@doa.state.wi.us

Kahler, Pam

From: Fath, Erin
Sent: Monday, February 03, 2003 4:57 PM
To: Kahler, Pam
Subject: RE: W-2 draft

Pam,
I discussed the W-2 draft with David Riemer this afternoon. Here are answers to your outstanding questions and some additional changes (draft 1256/P2):

- ✓ 1. The decision is to leave the last sentence under s.49.152(3)(a) as it is in current law (even though it may be confusing as is, we don't want to address it in the budget).
- ✓ 2. I looked through the language you drafted under s.49.147 (3m) - everything looks OK in terms of W-2 agency/Dept. responsibilities.
- ✓ 4. Leave s.49.151 as it is in current law (you're draft is OK).
- ✓ 5. s.49.161 (Sections 57 & 58) - David asked if you could draft language that says something very general about overpayments for transitional subsidized jobs ... like: "the department shall create rules for the recovery of [intentional or unintentional] overpayments to persons in transitional subsidized jobs that permit employers to recover overpayments from employees, and ensures that the department recovers those overpayments from the employer." That is, he wants to provide for recoveries within the contract between the department and the employers. Given this change, I think you should take out the reference to wages/stipend under s.49.161 (3) (a).

His concern is that if we start talking about recoveries in terms of the department directly recovering the overpayment from the individual, it could create the impression that the department is somehow the employer (and that would compromise our position that persons in transitional jobs are not employees of the state/department/W-2 agency). In his words, the recovery process involves a relationship between the employee and the employer, and between the employer and the department (but not the department and the individual).

? 6. These changes are OK.

7. I didn't guess this one correctly - you can keep the cross reference to 49.157 in s.49.96, but please remove the reference to 49.157 in ss. 59.53 (5), 814.61 (13) (and 49.22 (6), if you've already made that change). David understands that this is more of a clean up, but he didn't want to create the impression of changing policy.

New Changes:

- ✓ As we discussed this a.m., please change the language under section 37, s.49.147 (3m) 3. to read "An employer that employs a participant under this subsection shall be reimbursed by the department for up to 100% of the ...".
- ✓ Section 9, s.49.143 (3g) Performance Bonuses - David wants to return to current law, except that he would like to make the following change: under s.49.143 (3g) 4., please amend (current law) to say "Wages and benefits earned in unsubsidized employment by former participants in W-2 employment positions."

Those are all the changes we have. I think that once these changes are made, it will be final.

Thanks!

-Erin

-----Original Message-----

From: Kahler, Pam
Sent: Sunday, February 02, 2003 5:39 PM
To: Fath, Erin
Subject: W-2 draft

Erin, in response to your questions:

1. Re. adding "wage", I didn't see how that could be added since there would be no way of knowing what wages they

would have received in that time - how many hours they would have actually worked. The only remedy I thought was possible was placing the person in an appropriate job right away.

2. I don't think that any more explicit language is needed than already exists. The dept. is required to administer a transitional subsidized private sector job program and the details of the program require an eligible person to be offered such a job, and the dept. must select employers, and work with the employers to design the jobs, etc.

Re. the split between dept. and W-2 agency responsibility, I was most interested in whether you thought the breakdown in the new subsection (3m) was okay. I tried to draft it in keeping with current law, which, I think, gives the W-2 agencies more responsibilities, perhaps, in relation to the new job than they did in the initial version of the draft. If nothing jumped out at you as objectionable, however, it must be okay.

4., 5., and 6.: I'll wait to hear from you.

7. My thinking on adding "s. 49.157" to those sections - and I think I should have added it to s. 49.22 (6), also - is that, since s. 49.157 is included in 'W-2, a person who receives the transportation assistance under that section must satisfy the eligibility requirements (although if they do, they are probably receiving one of the other benefits, wages, etc., listed, too) and therefore shouldn't have to pay the fees under the sections to which I added "s. 49.157" any more than someone else who satisfies the eligibility requirements and is receiving benefits under one of the other sections listed. I have no problem with taking it out of those places, though - it just seemed to me that its absence was a drafting oversight. A better solution probably is to add the whole string of sections for W-2, i.e., ss. 49.141 to 49.161.

Pam