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State of Wisconsin  
2003 - 2004 LEGISLATURE

LRB-1256/EE

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DOA:.....Fath - BB0323, Create transitional subsidized private sector jobs under W-2

FOR 2003-05 BUDGET - NOT READY FOR INTRODUCTION

*SOON*  
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1 AN ACT relating to: the budget.

*Analysis by the Legislative Reference Bureau*

HEALTH AND HUMAN SERVICES

WISCONSIN WORKS

**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 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 money, federal child care block grant moneys, and state general purpose revenue. In general, an individual may not participate in W-2 more than five years, which need not be continuous.

~~trial jobs~~

The work components under W-2, called employment positions, consist of three categories: trial job, community service job, and transitional placement. Employers

*sub-subs*  
*Current employment positions*

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*(LPS: starts the paragraph as a title) → (I) Trial jobs*

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 to a transitional placement 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 ten 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

*(I) Community service jobs.*

*(I) Transitional placement.*

Transitional subsidized private sector jobs.

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 up to 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.

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 in 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 in the transitional subsidized private sector job if his or her hours had not been reduced. An education stipend may be paid

New employment position  
Sub-sub

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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 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**

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 a participant in a W-2 employment position with flexibility to participate in other categories of employment positions, at the participant's request.

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 also 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.

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

- 1 SECTION 1. 20.445 (3) (dz) of the statutes is amended to read:
- 2 20.445 (3) (dz) *Wisconsin works* Works and other public assistance
- 3 *administration and benefits.* The amounts in the schedule, less the amounts
- 4 withheld under s. 49.143 (3), for administration, employer reimbursements,

Employment position

Insert 4-A

1 participant stipends, education and training costs, and benefit payments under  
2 Wisconsin ~~works~~ Works under ss. 49.141 to 49.161, the learnfare program under s.  
3 49.26, the work experience and job search program under s. 49.36, and the food  
4 stamp employment and training program under s. 49.13; for payments to counties,  
5 tribal governing bodies, and Wisconsin ~~works~~ Works agencies; for hospital paternity  
6 incentive payments under s. 69.14 (1) (cm); for job training services under the  
7 workforce attachment and advancement program under s. 49.173; and for funeral  
8 expenses under s. 49.30. Payments may be made from this appropriation to counties  
9 for fraud investigation and error reduction under s. 49.197 (1m). Moneys  
10 appropriated under this paragraph may be used to match federal funds received  
11 under par. (md). Notwithstanding ss. 20.001 (3) (a) and 20.002 (1), the department  
12 may transfer funds between fiscal years under this paragraph. Notwithstanding ss.  
13 20.001 (3) and 20.002 (1), the department of health and family services shall credit  
14 or deposit into this appropriation account funds for the purposes of this  
15 appropriation that the department transfers from the appropriation account under  
16 s. 20.435 (7) (bc). All funds allocated by the department but not encumbered by  
17 December 31 of each year lapse to the general fund on the next January 1 unless  
18 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.

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

20 20.445 (3) (e) *Job access loans.* Biennially, the amounts in the schedule for job  
21 access loans under s. ~~49.147 (6)~~ 49.1471.

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

1           20.445 (3) (jL) *Job access loan repayments.* All moneys received from  
2 repayments of loans made under s. ~~49.147 (6)~~ 49.1471 for the purpose of making  
3 loans under s. ~~49.147 (6)~~ 49.1471.

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

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

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

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

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

22           49.136 (2) (b) The department shall attempt to award grants under this section  
23 to head start agencies designated under 42 USC 9836, employers that provide or  
24 wish to provide child care services for their employees, family day care centers, group  
25 day care centers and day care programs for the children of student parents,

1 organizations that provide child care for sick children, and child care providers that  
2 employ participants or former participants in a Wisconsin ~~works~~ Works employment  
3 position ~~under s. 49.147 (3) to (5), as defined in s. 49.141 (1) (r).~~

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

5 49.141 (1) (e) “Job access loan” means a loan administered under s. ~~49.147 (6)~~  
6 49.1471.

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

8 49.141 (1) (mc) “Transitional subsidized private sector job” means a work  
9 component of Wisconsin Works administered under s. 49.147 (3m).

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

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

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

16 49.141 (1) (om) “Wages” has the meaning given in s. 109.01 (3).

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

18 49.141 (4) NONENTITLEMENT. Notwithstanding fulfillment of the eligibility  
19 requirements for any component of Wisconsin ~~works~~ Works, an individual is not  
20 entitled to services, employment, or benefits under Wisconsin ~~works~~ Works.

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

22 49.141 (5) (a) Have the effect of filling a vacancy created by an employer  
23 terminating a regular employee or otherwise reducing its work force for the purpose  
24 of hiring an individual under s. 49.147 (3), (4) or (5).

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

1 49.143 (2) (a) 2. Identify and encourage employers to provide permanent jobs  
2 for persons who are eligible for trial jobs, transitional subsidized private sector jobs,  
3 or community service jobs.

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

5 49.143 (2) (a) 4. Create, and encourage others to create, on-the-job training  
6 sites for persons who are eligible for trial jobs, transitional subsidized private sector  
7 jobs, or community service jobs.

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

9 49.143 (2) (a) 5. Foster and guide the entrepreneurial efforts of participants  
10 who are eligible for trial jobs, transitional subsidized private sector jobs, or  
11 community service jobs.

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

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

18 SECTION 17. 49.143 (2) (f) of the statutes is renumbered 49.143 (2) (g) and  
19 amended to read:

20 49.143 (2) (g) Perform any other tasks specified by the department in the  
21 contract that the department determines are necessary for the administration of  
22 Wisconsin works Works.

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

24 49.143 (2) (fm) Provide to every participant in a transitional subsidized private  
25 sector job information about and assistance in obtaining any work supports for which



1 the participant is eligible, such as child care, health insurance, and income tax  
2 credits and refunds.

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

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

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

11 SECTION 21. 49.143 (3g) (a) 2. of the statutes is repealed. ✓

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

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

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

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

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

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

24 49.145 (2) (i) The individual is not receiving supplemental security income  
25 under 42 USC 1381 to 1383c or state supplemental payments under s. 49.77 and, if

Insert 9-14

1 the individual is a dependent child, the custodial parent of the individual does not  
2 receive a payment on behalf of the individual under s. 49.775. The department may  
3 require an individual who receives a stipend under s. 49.147 (3m) (g) or benefits  
4 under s. 49.148 and who has applied for supplemental security income under 42 USC  
5 1381 to 1383c to authorize the federal social security administration to reimburse the  
6 department for the stipend paid to the individual under s. 49.147 (3m) (g) or the  
7 benefits paid to the individual under s. 49.148 during the period that the individual  
8 was entitled to supplemental security income benefits to the extent that retroactive  
9 supplemental security income benefits are made available to the individual.

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

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

1 may be considered assigned to this state. Except as provided in s. 49.1455, any money  
2 received by the department in a month under an assignment to the state under this  
3 paragraph for an individual applying for or participating in Wisconsin ~~works~~ Works  
4 shall be paid to the individual applying for or participating in Wisconsin ~~works~~  
5 Works. The department shall pay the federal share of support assigned under this  
6 paragraph as required under federal law or waiver.

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

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

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

18 **49.146 (title) Employer criteria and selection.**

19 **SECTION 30.** 49.146 of the statutes is renumbered 49.146 (1) and amended to  
20 read:

21 49.146 (1) ELIGIBILITY CRITERIA. The Subject to sub. (2), the department shall  
22 establish by rule criteria that an employer providing a Wisconsin ~~works~~ Works  
23 employment position must meet in order to employ a participant under s. 49.147 (3)  
24 to (5). An employer that does not meet the criteria established under this section

1 subsection is ineligible to receive any subsidy or reimbursement of costs for any  
2 position provided to a participant.

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

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

12 (a) Create useful transitional subsidized private sector jobs that benefit the  
13 community.

14 (b) Provide effective supervision for participants.

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

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

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

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

21 **49.1465 Education and training. (1) EDUCATIONAL NEEDS ASSESSMENT.** A  
22 Wisconsin Works agency shall conduct an educational needs assessment of each  
23 individual who applies for a Wisconsin Works employment position. If the individual  
24 and the Wisconsin Works agency determine that the individual needs, or would  
25 benefit from, education or training activities, including a course of study meeting the

1 standards established under s. 115.29 (4) for the granting of a declaration of  
2 equivalency of high school graduation, the Wisconsin Works agency shall include  
3 education or training activities in any employability plan developed for the  
4 individual. The Wisconsin Works agency shall pay, or arrange for payment, for the  
5 education or training services identified in the employability plan to the extent that  
6 funds are available.

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

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

10 49.147 (title) **Wisconsin works Works; work programs and job access**  
11 **loans.**

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

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

14 SECTION 36. 49.147 (2) (a) 1. of the statutes is amended to read:

15 49.147 (2) (a) 1. An individual who applies for a Wisconsin works Works  
16 employment position may be required by the Wisconsin works Works agency to  
17 search for unsubsidized employment during the period that his or her application is  
18 being processed as a condition of eligibility. ~~A Subject to sub. (3m) (f) 2.,~~ a participant  
19 in a Wisconsin works Works employment position shall search for unsubsidized  
20 employment throughout his or her participation. The department shall define by  
21 rule satisfactory search efforts for unsubsidized employment.

22 SECTION 37. 49.147 (3) (a) of the statutes is amended to read:

23 49.147 (3) (a) *Administration.* A Wisconsin works Works agency shall  
24 administer a trial job program as part of its administration of the Wisconsin works  
25 Works program to improve the employability of individuals who are not otherwise

1 able to obtain unsubsidized employment, as determined by the Wisconsin ~~works~~  
2 Works agency, by providing work experience and training to assist them to move  
3 promptly into unsubsidized employment. In determining an appropriate placement  
4 for a participant, a Wisconsin ~~works~~ Works agency shall give priority to placement  
5 under this subsection over placements under subs. (3m), (4), and (5). The Wisconsin  
6 ~~works~~ Works agency shall pay a wage subsidy to an employer that employs a  
7 participant under this subsection and agrees to make a good faith effort to retain the  
8 participant as a permanent unsubsidized employee after the wage subsidy is  
9 terminated. The wage subsidy may not exceed \$300 per month for full-time  
10 employment of a participant. For less than full-time employment of a participant  
11 during a month, the wage subsidy may not exceed a dollar amount determined by  
12 multiplying \$300 by a fraction, the numerator of which is the number of hours  
13 worked by the participant in the month and the denominator of which is the number  
14 of hours which would be required for full-time employment in that month.

15 **SECTION 38.** 49.147 (3m) of the statutes is created to read:

16 49.147 (3m) TRANSITIONAL SUBSIDIZED PRIVATE SECTOR JOBS. (a) *Administration.*

17 1. A Wisconsin Works agency shall administer a transitional subsidized private  
18 sector job program as part of its administration of the Wisconsin Works program to  
19 improve the employability of individuals who are not otherwise able to obtain  
20 unsubsidized employment, as determined by the Wisconsin Works agency. If a  
21 Wisconsin Works agency determines for a participant that a placement under sub.  
22 (3) is inappropriate, or that an appropriate trial job is unavailable, and that a  
23 placement under either this subsection or sub. (4) is appropriate, the participant  
24 shall be allowed to choose between a placement under this subsection and a  
25 placement under sub. (4), to the extent of the availability of appropriate transitional

1 subsidized private sector jobs and community service jobs. A placement under this  
2 subsection shall be given priority over placements under sub. (5).

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

10 3. An employer that employs a participant under this subsection shall be  
11 reimbursed by the department for <sup>up to</sup> 100% of the employer's costs that are attributable  
12 to employment of the participant, as determined by the department, including any  
13 of the following:

- 14 a. Wages.  
15 b. Federal social security taxes.  
16 c. State and federal unemployment contributions or taxes, if any.  
17 d. Worker's compensation insurance premiums, if any.  
18 e. Liability insurance premiums, if any.  
19 f. Supervisory costs and other overhead as specified in the employer's contract  
20 with the department.

21 (b) *Jobs description.* 1. To the extent possible, each transitional subsidized  
22 private sector job shall be designed by the employer, in consultation with the  
23 Wisconsin Works agency and the department, to meet the needs and fit the abilities  
24 of the participant to whom the job is offered. Each transitional subsidized private  
25 sector job shall involve the performance of useful work that benefits the community.

1 Employers offering transitional subsidized private sector jobs and the department  
2 shall consult with labor unions representing public sector employees on the design  
3 of transitional subsidized private sector jobs to ensure compliance with s. 49.141 (5).

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

6 a. Allow a participant to work in a sheltered workshop, as defined in s. 104.01  
7 (6), or in other supported employment, if the Wisconsin Works agency determines  
8 that the participant is highly unlikely to be able to obtain or retain <sup>unsubsidized</sup> employment at  
9 a minimum wage.

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

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

19 (d) *Employer-employee relationship.* 1. Except as otherwise provided in this  
20 subsection or in a contract between the department and the employer, a participant  
21 who accepts a transitional subsidized private sector job with an employer selected  
22 under s. 49.146 (2) is an employee of that employer for all purposes and in all  
23 respects. The participant shall be supervised in the same manner as the employer's  
24 other employees, shall be covered under the employer's worker's compensation  
25 coverage, and shall receive his or her paycheck in the same manner as the employer's



1 other employees, with appropriate payroll deductions. The department may require  
2 an employer to provide a sick leave benefit to a participant in a transitional  
3 subsidized private sector job.

4 2. A participant working in a transitional subsidized private sector job may be  
5 terminated from employment by the employer, in accordance with guidelines  
6 established by the department, for misconduct, failure to perform work  
7 satisfactorily, or repeated unexcused absences from work. A participant who  
8 believes that he or she has been wrongfully terminated under this subdivision from  
9 a transitional subsidized private sector job may appeal the termination to the  
10 department.

11 (e) *Time-limited participation.* A participant under this subsection may be  
12 employed in any one transitional subsidized private sector job for a maximum of 6  
13 months, unless granted an extension by the Wisconsin Works agency. A participant  
14 may be employed in more than one transitional subsidized private sector job, and at  
15 the conclusion of each assignment under this subsection, the Wisconsin Works  
16 agency shall reassess the individual's employability. A participant's employment  
17 under this subsection may not exceed 24 months, which need not be consecutive. The  
18 department or, with the approval of the department, the Wisconsin Works agency  
19 may grant an extension of the 24-month limit on a case-by-case basis if any of the  
20 following applies:

21 1. The participant is employed under par. (b) 2. a. or b.

22 2. The participant has made all appropriate job search efforts but has been  
23 unable to find unsubsidized employment because local labor market conditions  
24 preclude a reasonable job opportunity for that participant, as determined by a  
25 Wisconsin Works agency and approved by the department.

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

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

12           a. The participant is employed under par. (b) 2. a. or b.

13           b. The Wisconsin Works agency determines, in accordance with guidelines  
14 established by the department, that the participant has made all appropriate job  
15 search efforts but has been unable to find unsubsidized employment because local  
16 labor market conditions preclude a reasonable job opportunity for that participant.

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

24           (g) *Education or training substitution.* 1. If a participant has been employed  
25 in a transitional subsidized private sector job for at least 2 weeks and the employer

1 determines that the participant's work performance has been satisfactory, the  
2 participant and the Wisconsin Works agency, in consultation with the employer, may  
3 enter into an agreement under which all of the following occur:

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

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

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

12 2. A stipend under subd. 1. c. may not be paid for longer than 3 months, unless  
13 the Wisconsin Works agency recommends a longer period in accordance with  
14 guidelines established by the department. In no case, however, may the stipend be  
15 paid after the participant's employment in the transitional subsidized private sector  
16 job terminates.

17 **SECTION 39.** 49.147 (4) (a) of the statutes is amended to read:

18 49.147 (4) (a) *Administration.* A Wisconsin ~~works~~ Works agency shall  
19 administer a community service job program as part of its administration of  
20 Wisconsin ~~works~~ Works to improve the employability of an individual who is not  
21 otherwise able to obtain employment, as determined by the Wisconsin ~~works~~ Works  
22 agency, by providing work experience and training, if necessary, to assist the  
23 individual to move promptly into unsubsidized public or private employment or a  
24 trial job. In determining an appropriate placement for a participant, a Wisconsin  
25 ~~works~~ Works agency shall give placement under this subsection priority over

1 placements under sub. (5). If a Wisconsin Works agency determines that placement  
2 is appropriate for a participant under either this subsection or sub. (3m), the  
3 participant shall be allowed to choose between a placement under this subsection  
4 and a placement under sub. (3m), to the extent of the availability of appropriate  
5 transitional subsidized private sector jobs and community service jobs. Community  
6 service jobs shall be limited to projects that the department determines would serve  
7 a useful public purpose or projects the cost of which is partially or wholly offset by  
8 revenue generated from such projects. After each 6 months of an individual's  
9 participation under this subsection and at the conclusion of each assignment under  
10 this subsection, a Wisconsin ~~works~~ Works agency shall reassess the individual's  
11 employability.

12 **SECTION 40.** 49.147 (5) (a) 3. of the statutes is amended to read:

13 49.147 (5) (a) 3. The Wisconsin ~~works~~ Works agency determines that the  
14 individual is incapable of performing a trial job, transitional subsidized private  
15 sector job, or community service job.

16 **SECTION 41.** 49.147 (6) of the statutes is renumbered 49.1471, and 49.1471  
17 (title), (1) (c), (2) (c) and (4) (intro.), as renumbered, are amended to read:

18 **49.1471 (title) ~~Job Wisconsin Works; job access loan loans.~~**

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

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

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

5           **SECTION 42.** 49.147 (6m) of the statutes is created to read:

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

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

12           49.148 (1) BENEFIT LEVELS AND WAGES FOR PARTICIPANTS IN EMPLOYMENT  
13 POSITIONS. (intro.) A participant in a Wisconsin works Works employment position  
14 shall receive the following benefits or wages:

15           **SECTION 44.** 49.148 (1) (am) of the statutes is created to read:

16           49.148 (1) (am) *Transitional subsidized private sector jobs.* For a participant  
17 in a transitional subsidized private sector job, the prevailing federal minimum wage  
18 for hours actually worked, paid by the participant's employer.

19           **SECTION 45.** 49.148 (1) (b) 1. of the statutes is amended to read:

20           49.148 (1) (b) 1. Except as provided in subd. 1m., for a participant in a  
21 community service job under s. 49.147 (4), a monthly grant of \$673, paid by the  
22 Wisconsin works Works agency. For every hour that the participant misses work or  
23 education or training activities without good cause, the grant amount shall be  
24 reduced by \$5.15. Good cause shall be determined by the financial and employment  
25 planner in accordance with rules promulgated by the department. Good cause shall

1 include required court appearances for a victim of domestic abuse. If a participant  
2 in a community service job under s. 49.147 (4) is required to work fewer than 30 hours  
3 per week because the participant has unsubsidized employment, ~~as defined in s.~~  
4 ~~49.147 (1) (e)~~, the grant amount under this paragraph shall equal the amount  
5 specified under subd. 1m. minus \$5.15 for each hour that the participant misses work  
6 or education or training activities without good cause. ✓

7 SECTION 46. 49.148 (1m) (a) of the statutes is amended to read:

8 49.148 (1m) (a) A person who meets the eligibility requirements under s.  
9 49.145 (2) and (3) and who is a custodial parent of a child who is 12 weeks old or less  
10 ~~and who meets the eligibility requirements under s. 49.145 (2) and (3)~~ may receive  
11 a monthly grant of \$673 unless another adult member of the custodial parent's  
12 Wisconsin works Works group is participating in, or is eligible to participate in, a  
13 Wisconsin works Works employment position or is employed in unsubsidized  
14 employment, ~~as defined in s. 49.147 (1) (e)~~. A Wisconsin works Works agency may  
15 not require a participant under this subsection to participate in any Wisconsin Works  
16 employment positions.

17 (b) 1. Receipt of a grant under this subsection does not constitute participation  
18 in a Wisconsin works Works employment position for purposes of the time limits  
19 under s. 49.145 (2) (n) or 49.147 (3) (c), (3m) (e), (4) (b), or (5) (b) 2. if the child is born  
20 to the participant not more than 10 months after the date that the participant was  
21 first determined to be eligible for assistance under s. 49.19 or for a Wisconsin works  
22 Works employment position.

23 SECTION 47. 49.148 (1m) (b) of the statutes is renumbered 49.148 (1m) (b) 2.  
24 and amended to read:

6 months ✓

take  
strike  
out

9

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

11           **SECTION 48.** 49.148 (4) (a) of the statutes is amended to read:

12           49.148 (4) (a) A Wisconsin ~~works~~ Works agency shall require a participant in  
13 a transitional subsidized private sector job, community service job, or transitional  
14 placement who, after August 22, 1996, was convicted in any state or federal court of  
15 a felony that had as an element possession, use, or distribution of a controlled  
16 substance to submit to a test for use of a controlled substance as a condition of  
17 continued eligibility. If the test results are positive, the Wisconsin ~~works~~ Works  
18 agency shall decrease the presanction benefit amount for ~~that a participant in a~~  
19 community service job or a transitional placement not more than 15%, and shall  
20 decrease the number of hours that a participant in a transitional subsidized private  
21 sector job may work by up to 15%, for not fewer than 12 months, or for the remainder  
22 of the participant's period of participation in a transitional subsidized private sector  
23 job, community service job, or transitional placement, if less than 12 months. If, at  
24 the end of 12 months, the individual is still a participant in a transitional subsidized  
25 private sector job, community service job, or transitional placement and submits to

1 another test for use of a controlled substance and if the results of the test are  
2 negative, the Wisconsin works Works agency shall discontinue the reduction in  
3 benefits or work hours under this paragraph.

4 **SECTION 49.** 49.148 (4) (b) of the statutes is amended to read:

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

10 **SECTION 50.** 49.149 (intro.) of the statutes is repealed.

11 **SECTION 51.** 49.149 (1) of the statutes is renumbered 49.1465 (2) (a).

12 **SECTION 52.** 49.149 (3) of the statutes is renumbered 49.1465 (2) (b).

13 **SECTION 53.** 49.149 (4) of the statutes is renumbered 49.1465 (2) (c).

14 **SECTION 54.** 49.15 (3) (a) of the statutes is amended to read:

15 49.15 (3) (a) Unsubsidized employment, ~~as defined in s. 49.147 (1) (e).~~

16 **SECTION 55.** 49.152 (1) of the statutes is amended to read:

17 49.152 (1) PETITION FOR REVIEW. Any individual whose application for any  
18 component of Wisconsin works Works is not acted upon by the Wisconsin works  
19 Works agency with reasonable promptness after the filing of the application, as  
20 defined by the department by rule, or is denied in whole or in part, whose benefit,  
21 wage, or stipend is modified or canceled, or who believes that the benefit, wage, or  
22 stipend was calculated incorrectly or that the Wisconsin Works employment position  
23 in which the individual was placed or the transitional subsidized private sector job  
24 that the individual was offered is inappropriate, may petition the Wisconsin works  
25 Works agency for a review of such action. Review is unavailable if the action by the



1 Wisconsin ~~works~~ Works agency occurred more than 45 days prior to submission of  
2 the petition for review.

3 **SECTION 56.** 49.152 (3) (a) of the statutes is amended to read:

4 49.152 (3) (a) If, following review under sub. (2), the Wisconsin ~~works~~ Works  
5 agency or the department determines that an individual, whose application for a  
6 Wisconsin ~~works~~ Works employment position was denied based on eligibility, was in  
7 fact eligible, or that the individual was placed in an inappropriate Wisconsin ~~works~~  
8 Works employment position or offered an inappropriate transitional subsidized  
9 private sector job, the Wisconsin ~~works~~ Works agency shall place the individual in  
10 the first available Wisconsin ~~works~~ Works employment position, or offer the  
11 individual the first available transitional subsidized private sector job, that is  
12 appropriate for that individual, as determined by the Wisconsin ~~works~~ Works agency  
13 or the department. An individual who is placed in a Wisconsin works employment  
14 position under this paragraph is eligible for the benefit for that position under s.  
15 49.148 beginning on the date on which the individual begins participation under s.  
16 49.147.

17 **SECTION 57.** 49.152 (3) (b) of the statutes is amended to read:

18 49.152 (3) (b) If, following review under sub. (2), the Wisconsin ~~works~~ Works  
19 agency or the department determines that a participant's benefit, wage, or stipend  
20 was improperly modified or canceled, or was calculated incorrectly, the Wisconsin  
21 ~~works~~ Works agency shall restore the benefit, wage, or stipend to the level  
22 determined to be appropriate by the Wisconsin ~~works~~ Works agency or by the  
23 department retroactive to the date on which the benefit, wage, or stipend was first  
24 improperly modified or canceled or incorrectly calculated.

25 **SECTION 58.** 49.155 (1m) (a) 3. of the statutes is amended to read:

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

5 **SECTION 59.** 49.161 (1m) ~~of the statutes is created to read:~~

6 **49.161 (1m) TRANSITIONAL SUBSIDIZED PRIVATE SECTOR JOBS OVERPAYMENTS.**  
7 Notwithstanding s. 49.96, the department shall recover an overpayment of wages  
8 paid under s. 49.148 (1) (am) from the individual who received the wages and an  
9 overpayment of a stipend paid under s. 49.147 ~~(3m) (g)~~ from the individual who  
10 received the stipend. The department shall establish policies and procedures for  
11 administering this subsection.

12 **SECTION 60.** 49.161 (3) (intro.) of the statutes is amended to read:

13 **49.161 (3) OVERPAYMENTS CAUSED BY INTENTIONAL PROGRAM VIOLATIONS.** (intro.)  
14 If an overpayment under sub. (1), (1m), or (2) is the result of an intentional violation  
15 of ss. 49.141 to 49.161 or of rules promulgated by the department under those  
16 sections, the department shall recover the overpayment by deducting an amount  
17 from the stipend received under s. 49.147 (3m) (g) or the benefits received under s.  
18 49.148 (1) (a), (b), or (c), or by directing the employer to deduct an amount from a  
19 participant's wages paid under s. 49.148 (1) (am), until the overpayment is recovered.  
20 The amount to be deducted each month may not exceed the following:

21 **SECTION 61.** 49.161 (3) (a) of the statutes is amended to read:

22 **49.161 (3) (a)** For intentional program violations resulting in an overpayment  
23 that is less than \$300, 10% of the amount of the monthly benefit, stipend, or wages  
24 payment.

25 **SECTION 62.** 49.1635 (1) of the statutes is amended to read:

*Insert 26-24*

1           49.1635 (1) To the extent permitted under federal law and subject to sub. (2),  
2           from the appropriation under s. 20.445 (3) (md) the department shall may distribute  
3           funds to the Wisconsin Trust Account Foundation in an amount equal up to the  
4           amount received by the foundation from private donations, but not to exceed  
5           \$100,000 in each a fiscal year. Except as provided in sub. (4), funds distributed under  
6           this subsection may be used only for the provision of legal services to individuals who  
7           are eligible for temporary assistance for needy families under 42 USC 601 et seq. and  
8           whose incomes are at or below 200% of the poverty line.

9           **SECTION 63.** 49.175 (1) (n) of the statutes is amended to read:

10           49.175 (1) (n) *Job access loans.* For job access loans under s. ~~49.147 (6)~~ 49.1471,  
11           \$600,000 in each fiscal year.

12           **SECTION 64.** 49.179 of the statutes is repealed.

13           **SECTION 65.** 49.195 (title) of the statutes is amended to read:

14           **49.195 (title) Recovery of aid to families with dependent children and**  
15           **~~Wisconsin works benefits~~ Works payments.**

16           **SECTION 66.** 49.195 (1) of the statutes is amended to read:

17           49.195 (1) If any parent at the time of receiving aid under s. 49.19, a stipend  
18           under s. 49.147 (3m) (g), or a benefit under s. 49.148, 49.155, or 49.157, or at any time  
19           thereafter, acquires property by gift, inheritance, sale of assets, court judgment, or  
20           settlement of any damage claim, or by winning a lottery or prize, the county granting  
21           such aid, or the Wisconsin ~~works~~ Works agency granting such a stipend or benefit,  
22           may sue the parent on behalf of the department to recover the value of that portion  
23           of the aid ~~or of the, stipend, or benefit which~~ that does not exceed the amount of the  
24           property so acquired. The value of the aid, stipend, or benefit liable for recovery  
25           under this section may not include the value of work performed by a member of the

1 family in a community work experience program under s. 46.215 (1) (o), 1991 stats.,  
2 s. 46.22 (1) (b) 11., 1991 stats., or s. 49.50 (7j) (d), 1991 stats., or in a community work  
3 experience component under s. 49.193 (6), 1997 stats. During the life of the parent,  
4 the 10-year statute of limitations may be pleaded in defense against any suit for  
5 recovery under this section; and if such property is his or her homestead it shall be  
6 exempt from execution on the judgment of recovery until his or her death or sale of  
7 the property, whichever occurs first. Notwithstanding the foregoing restrictions and  
8 limitations, ~~where~~ if the aid, stipend, or benefit recipient is deceased, a claim may  
9 be filed against any property in his or her estate and the statute of limitations  
10 specified in s. 859.02 shall be exclusively applicable. The court may refuse to render  
11 judgment or allow the claim in any case where a parent, spouse, or child is dependent  
12 on the property for support, and the court in rendering judgment shall take into  
13 account the current family budget requirement as fixed by the U.S. department of  
14 labor for the community or as fixed by the authorities of the community in charge of  
15 public assistance. The records of aid, stipend, or benefits paid kept by the county, by  
16 the department, or by the Wisconsin ~~works~~ Works agency are prima facie evidence  
17 of the value of the aid, stipend, or benefits ~~furnished~~ paid. Liability under this  
18 section shall extend to any parent or stepparent whose family receives aid under s.  
19 49.19, a stipend under s. 49.147 (3m) (g), or benefits under s. 49.148, 49.155, or  
20 49.157 during the period that he or she is a member of the same household, but his  
21 or her liability is limited to such period. This section does not apply to medical and  
22 health assistance payments for which recovery is prohibited or restricted by federal  
23 law or regulation.

24 SECTION 67. 49.195 (3) of the statutes is amended to read:

1           49.195 (3) A county, tribal governing body, or Wisconsin works Works agency  
2           or the department shall determine whether an overpayment has been made under  
3           s. ~~49.19~~ 49.147 (3m) (g), 49.148, 49.155 ~~or~~, 49.157, or 49.19 and, if so, the amount of  
4           the overpayment. The county, tribal governing body, or Wisconsin works Works  
5           agency or the department shall provide notice of the overpayment to the liable  
6           person. The department shall give that person an opportunity for a review following  
7           the procedure specified under s. 49.152, if the person received the overpayment  
8           under s. 49.141 to 49.161, and for a hearing under ch. 227. Notwithstanding s. 49.96,  
9           the department shall promptly recover all overpayments made under s. ~~49.19~~ 49.147  
10          (3m) (g), 49.148, 49.155 ~~or~~, 49.157, or 49.19 that have not already been received under  
11          s. 49.161 or 49.19 (17) and shall promulgate rules establishing policies and  
12          procedures to administer this subsection. The rules shall include notification  
13          procedures similar to those established for child support collections.

14           **SECTION 68.** 49.22 (6) of the statutes is amended to read:

15           49.22 (6) The department shall establish, pursuant to federal and state laws,  
16           rules, and regulations, a uniform system of fees for services provided under this  
17           section to individuals not receiving aid under s. 46.261, 49.19, or 49.47; stipends  
18           under s. 49.147 (3m) (g); benefits or wages under s. 49.148, 49.155, or 49.79; foster  
19           care maintenance payments under 42 USC 670 to 679a; or kinship care payments  
20           under s. 48.57 (3m) or long-term kinship care payments under s. 48.57 (3n). The  
21           system of fees may take into account an individual's ability to pay. Any fee paid and  
22           collected under this subsection may be retained by the county providing the service  
23           except for the fee specified in 42 USC 653 (e) (2) for federal parent locator services.

24           **SECTION 69.** 49.26 (1) (g) (intro.) of the statutes is amended to read:

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

5           **SECTION 70.** 49.26 (1) (h) 1s. b. of the statutes is amended to read:

6           49.26 (1) (h) 1s. b. An individual who is a dependent child in a Wisconsin works  
7 Works group that includes a participant under s. 49.147 (3), (3m), (4), or (5) and who  
8 fails to meet the school attendance requirement under par. (ge) is subject to a  
9 monthly sanction.

10          **SECTION 71.** 49.26 (1) (hm) of the statutes is amended to read:

11          49.26 (1) (hm) The department may require consent to the release of school  
12 attendance records, under s. 118.125 (2) (e), as a condition of eligibility for benefits  
13 participation under s. 49.147 (3) to (5) or aid under s. 49.19.

14          **SECTION 72.** 49.30 (1) (intro.) of the statutes is amended to read:

15          49.30 (1) (intro.) Except as provided in sub. (1m), if any recipient of a stipend  
16 under s. 49.147 (3m) (g) or of benefits or wages under s. 49.148, 49.46, or 49.77, or  
17 under 42 USC 1381 to 1385 in effect on May 8, 1980, dies and the estate of the  
18 deceased recipient is insufficient to pay the funeral, burial, and cemetery expenses  
19 of the deceased recipient, the county or applicable tribal governing body or  
20 organization responsible for burial of the recipient shall pay, to the person  
21 designated by the county department under s. 46.215, 46.22, or 46.23 or applicable  
22 tribal governing body or organization responsible for the burial of the recipient, all  
23 of the following:

24          **SECTION 73.** 49.32 (4) of the statutes is repealed.

25          **SECTION 74.** 49.32 (9) (a) of the statutes is amended to read:

1           49.32 (9) (a) Each county department under s. 46.215, 46.22, or 46.23  
2 administering aid to families with dependent children shall maintain a monthly  
3 report at its office showing the names of all persons receiving aid to families with  
4 dependent children together with the amount paid during the preceding month.  
5 Each Wisconsin ~~works~~ Works agency administering Wisconsin ~~works~~ Works under  
6 ss. 49.141 to 49.161 shall maintain a monthly report at its office showing the names  
7 of all persons receiving stipends under s. 49.147 (3m) (g) or benefits or wages under  
8 s. 49.148 together with the amount paid during the preceding month. Nothing in this  
9 paragraph shall be construed to authorize or require the disclosure in the report of  
10 any information (~~, including names, amounts of aid, or otherwise~~) other information,  
11 pertaining to adoptions, or aid furnished for the care of children in foster homes or  
12 treatment foster homes under s. 46.261 or 49.19 (10).

13           **SECTION 75.** 49.32 (10) (b) of the statutes is amended to read:

14           49.32 (10) (b) If a law enforcement officer believes, on reasonable grounds, that  
15 a warrant has been issued and is outstanding for the arrest of a Wisconsin ~~works~~  
16 Works participant, the law enforcement officer may request that a law enforcement  
17 officer be notified when the participant appears to obtain his or her stipend or  
18 benefits under the Wisconsin ~~works~~ Works program. At the request of a law  
19 enforcement officer under this paragraph, an employee of a Wisconsin ~~works~~ Works  
20 agency who disburses stipends or benefits may notify a law enforcement officer when  
21 the participant appears to obtain ~~Wisconsin works~~ his or her stipend or benefits.

22           **SECTION 76.** 49.32 (10m) (a) of the statutes is amended to read:

23           49.32 (10m) (a) A county department, relief agency under s. 49.01 (3m), or  
24 Wisconsin ~~works~~ Works agency shall, upon request, and after providing the notice  
25 to the recipient required by this paragraph, release the current address of a recipient

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



1 requested the address no sooner than 21 days after the date on which the request for  
2 the address was made. County departments, relief agencies, and Wisconsin ~~works~~  
3 Works agencies shall keep a record of each request for an address under this  
4 paragraph.

5 **SECTION 77.** 49.36 (2) of the statutes is amended to read:

6 49.36 (2) The department may contract with any county, tribal governing body,  
7 or Wisconsin ~~works~~ Works agency to administer a work experience and job training  
8 program for parents who are not custodial parents and who fail to pay child support  
9 or to meet their children's needs for support as a result of unemployment or  
10 underemployment. The program may provide the kinds of work experience and job  
11 training services available from the program under s. 49.193, 1997 stats., or s. 49.147  
12 (3), (3m), or (4). The program may also include job search and job orientation  
13 activities. The department shall fund the program from the appropriation under s.  
14 20.445 (3) (dz).

15 **SECTION 78.** 49.95 (4m) (a) of the statutes is amended to read:

16 49.95 (4m) (a) Without legal authority, sends or brings a person to a county,  
17 tribal governing body, or municipality or advises a person to go to a county, tribal  
18 governing body, or municipality for the purpose of obtaining relief funded by a relief  
19 block grant, wages, a stipend, or benefits under the Wisconsin ~~works~~ Works program  
20 under ss. 49.141 to 49.161, aid to families with dependent children under s. 49.19,  
21 medical assistance under subch. IV, or food stamps under 7 USC 2011 to 2029.

22 **SECTION 79.** 49.95 (11) of the statutes is amended to read:

23 49.95 (11) "Public assistance" as used in this section includes relief funded by  
24 a relief block grant and wages, a stipend, or benefits under ss. 49.141 to 49.161.

25 **SECTION 80.** 49.96 of the statutes is amended to read:

1           **49.96 Assistance grants exempt from levy.** All grants of aid to families with  
 2 dependent children, stipends paid under s. 49.147 (3m) (g), payments made under  
 3 ~~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~~  
 4 49.157, payments made for social services, cash benefits paid by counties under s.  
 5 59.53 (21), and benefits under s. 49.77 or federal Title XVI, are exempt from every  
 6 tax, and from execution, garnishment, attachment, and every other process and shall  
 7 be inalienable.

8           **SECTION 81.** 59.53 (5) (a) of the statutes is amended to read:

9           59.53 (5) (a) The board shall contract with the department of workforce  
 10 development to implement and administer the child and spousal support and  
 11 establishment of paternity and the medical support liability programs provided for  
 12 by Title IV of the federal social security act. The board may designate by board  
 13 resolution any office, officer, board, department, or agency, except the clerk of circuit  
 14 court, as the county child support agency. The board or county child support agency  
 15 shall implement and administer the programs in accordance with the contract with  
 16 the department of workforce development. The attorneys responsible for support  
 17 enforcement under sub. (6) (a), circuit court commissioners, and all other county  
 18 officials shall cooperate with the county and the department of workforce  
 19 development as necessary to provide the services required under the programs. The  
 20 county shall charge the fee established by the department of workforce development  
 21 under s. 49.22 for services provided under this paragraph to persons not receiving  
 22 a stipend under s. 49.147 (3m) (g), benefits or wages under s. 49.148 or 49.155,

23 ~~or assistance~~ or assistance under s. 46.261, 49.19, or 49.47.

*plain* →  
*keep underscored comma* →

24           **SECTION 82.** 102.07 (17m) of the statutes is amended to read:

1           102.07 (17m) A participant in a trial job under s. 49.147 (3) or a transitional  
2 subsidized private sector job under s. 49.147 (3m) is an employee of any employer  
3 under this chapter for whom the participant is performing service at the time of the  
4 injury.

5           **SECTION 83.** 227.01 (13) (zL) of the statutes is created to read:

6           227.01 (13) (zL) Establishes guidelines under s. 49.147 (3m) (c), (d) 2., (f) 1. or  
7 2. b., or (g) 2. for transitional subsidized private sector jobs under Wisconsin Works.

8           **SECTION 84.** 767.045 (1) (c) 1. of the statutes is amended to read:

9           767.045 (1) (c) 1. Aid is provided under s. 46.261, 48.57 (3m) or (3n), 49.19, or  
10 49.45 on behalf of the child, or wages or a stipend are paid to or benefits are provided  
11 to the child's custodial parent under ss. 49.141 to 49.161, but the state and its  
12 delegate under s. 49.22 (7) are barred by a statute of limitations from commencing  
13 an action under s. 767.45 on behalf of the child.

14           **SECTION 85.** 767.075 (1) (c) of the statutes is amended to read:

15           767.075 (1) (c) Whenever aid under s. 46.261, 48.57 (3m) or (3n), 49.19, or 49.45  
16 is provided on behalf of a dependent child or wages or a stipend are paid to or benefits  
17 are provided to the child's custodial parent under ss. 49.141 to 49.161.

18           **SECTION 86.** 767.075 (1) (cm) of the statutes is amended to read:

19           767.075 (1) (cm) Whenever aid under s. 46.261, 48.57 (3m) or (3n), 49.19, or  
20 49.45 has, in the past, been provided on behalf of a dependent child, or wages or a  
21 stipend have, in the past, been paid to or benefits have, in the past, been provided  
22 to the child's custodial parent under ss. 49.141 to 49.161, and the child's family is  
23 eligible for continuing child support services under 45 CFR 302.33.

24           **SECTION 87.** 767.15 (1) of the statutes is amended to read:

1           767.15 (1) In any action affecting the family in which either party is a recipient  
2 of wages, a stipend, or benefits under ss. 49.141 to 49.161 or aid under s. 46.261,  
3 49.19, or 49.45, each party shall, either within 20 days after making service on the  
4 opposite party of any motion or pleading requesting the court or circuit court  
5 commissioner to order, or to modify a previous order, relating to child support,  
6 maintenance, or family support, or before filing the motion or pleading in court, serve  
7 a copy of the motion or pleading upon the county child support agency under s. 59.53  
8 (5) of the county in which the action is begun.

9           **SECTION 88.** 767.24 (6) (c) of the statutes is amended to read:

10           767.24 (6) (c) In making an order of joint legal custody and periods of physical  
11 placement, the court may specify one parent as the primary caretaker of the child and  
12 one home as the primary home of the child, for the purpose of determining eligibility  
13 for aid under s. 49.19 or wages, a stipend, or benefits under ss. 49.141 to 49.161 or  
14 for any other purpose the court considers appropriate.

15           **SECTION 89.** 767.47 (6) (a) of the statutes is amended to read:

16           767.47 (6) (a) Whenever the state brings the action to determine paternity  
17 pursuant to an assignment under s. 46.261, 48.57 (3m) (b) 2. or (3n) (b) 2., 49.19 (4)  
18 (h) 1., or 49.45 (19), or receipt of a stipend under s. 49.147 (3m) (g) or benefits or wages  
19 under s. 49.148, 49.155, or 49.157 ~~or 49.159~~, the natural mother of the child may not  
20 be compelled to testify about the paternity of the child if it has been determined that  
21 the mother has good cause for refusing to cooperate in establishing paternity as  
22 provided in 42 USC 602 (a) (26) (B) and the federal regulations promulgated  
23 pursuant to this statute, as of July 1, 1981, and pursuant to any rules promulgated  
24 by the department which define good cause in accordance with the federal  
25 regulations, as authorized by 42 USC 602 (a) (26) (B) in effect on July 1, 1981.





1 statutes, the amendment of section 49.146 (title) of the statutes, and the creation of  
2 section 49.146 (2) of the statutes take effect on January 1, 2004.

3 (END)

2003-2004 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-1256/lins  
PJK:jld&cs:rs

INSERT 4-A ✓

✓ Under current law, a person who meets the eligibility requirements for the W-2 program and who is the custodial parent of a child who is 12 weeks old or less may receive a monthly grant of \$673 and may not be required to participate in a W-2 employment position. The bill increases the maximum age of the child so that the custodial parent of a child who is six months old or less may receive the monthly grant and may not be required to participate in an employment position.

(END OF INSERT 4-A)

INSERT 9-14 ✓

1 SECTION 1. 49.143 (3g) (a) 4. of the statutes is amended to read:  
2 49.143 (3g) (a) 4. Wages and benefits earned in unsubsidized employment by  
3 former participants in Wisconsin works Works employment positions.

History: 1995 a. 216, 289; 1997 a. 27, 36, 236, 318; 1999 a. 9, 32; 2001 a. 16.

(END OF INSERT 9-14)

INSERT 26-24 ✓

4 SECTION 2. 49.161 (4) of the statutes is created to read:  
5 49.161 (4) TRANSITIONAL SUBSIDIZED PRIVATE SECTOR JOBS OVERPAYMENTS. ✓ The  
6 department shall by rule specify a process for recovering an overpayment of wages  
7 paid under s. 49.148 (1) (am) ✓ or an overpayment of a stipend paid under s. 49.147  
8 (3m) (g) ✓, including an overpayment caused by an intentional violation of ss. 49.141 ✓  
9 to 49.161 or of rules promulgated under those sections, that permits an employer to  
10 recover a wage overpayment from the individual to whom the wage was paid and that  
11 requires the department to recover from an employer any overpayment of a  
12 reimbursement paid by the department to the employer.

(END OF INSERT 26-24)



Eric:

p 20 sec 36 takeout + change analysis

"Transitional" p 2 (misspelled)  
↑

+ take out "sheltered workshop" in  
analysis  
p. 3