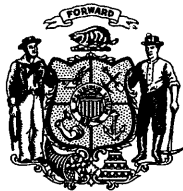


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State of Wisconsin  
2003 - 2004 LEGISLATURE

LRB-1256  
PJK:jld&cs&kg:ch

4

*v m i r n*

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

FOR 2003-05 BUDGET - NOT READY FOR INTRODUCTION

*D-note*

*stays*

*do not get cut*

1 AN ACT relating to: the budget.

*Analysis by the Legislative Reference Bureau*

HEALTH AND HUMAN SERVICES

WISCONSIN WORKS

*Under current law, the*

*which is administered by DHFS and W-2 agencies that contract with DHFS,*

~~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.

**Current employment positions**

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

*analysis continues on p. 4*

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.

Trial jobs. 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 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.

### ***New employment position***

***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.

Employers for transitional subsidized private sector jobs must be 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. 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 supported employment 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.

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.

***Caretaker of newborn infant program change and studies***

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~~.

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, as affected by 2003 Wisconsin Act ...  
 2    ~~((this act), is amended to read:~~  
 3           20.445 (3) (dz) *Temporary Assistance for Needy Families programs;*  
 4    ~~*maintenance of effort.* The amounts in the schedule, less the amounts withheld~~  
 5    ~~under s. 49.143 (3), for administration, employer reimbursements, participant~~  
 6    ~~stipends, education and training costs, and benefit payments under Wisconsin~~  
 7    ~~Works under ss. 49.141 to 49.161, the learnfare program under s. 49.26, and the work~~  
 8    ~~experience program for custodial parents under s. 49.36; for payments to local~~

work component

work component

2

2

1 governments, organizations, tribal governing bodies, and Wisconsin Works agencies;  
2 for program activities under the workforce attachment and advancement program  
3 under s. 49.173; for emergency assistance for families with needy children under s.  
4 49.138; and for job access loans under s. ~~49.147 (6)~~ 49.1471. Payments may be made  
5 from this appropriation to counties for fraud investigation and error reduction under  
6 s. 49.197 (1m). Moneys appropriated under this paragraph may be used to match  
7 federal funds received under par. (md). Notwithstanding ss. 20.001 (3) (a) and 20.002  
8 (1), the department may transfer funds between fiscal years under this paragraph.  
9 Notwithstanding ss. 20.001 (3) and 20.002 (1), the department of health and family  
10 services shall credit or deposit into this appropriation account funds for the purposes  
11 of this appropriation that the department transfers from the appropriation account  
12 under s. 20.435 (7) (bc). All funds allocated by the department but not encumbered  
13 by December 31 of each year lapse to the general fund on the next January 1 unless  
14 transferred to the next calendar year by the joint committee on finance.

\*\*\*NOTE: This is reconciled s. 20.445 (3) (dz). This SECTION has been affected by  
drafts with the following LRB numbers: LRB-0190, LRB-1243, and LRB-1256.

15 **SECTION 2.** 20.445 (3) (jL) of the statutes, as affected by 2003 Wisconsin Act ....  
16 (this act), is amended to read:

17 20.445 (3) (jL) *Job access loan repayments.* All moneys received from  
18 repayments of loans made under s. ~~49.147 (6)~~ 49.1471, and from the department of  
19 revenue under s. 71.93 for delinquent job access loan repayments certified under s.  
20 49.85, for the purpose of making loans under s. ~~49.147 (6)~~ 49.1471.

\*\*\*NOTE: This is reconciled s. 20.445 (3) (jL). This SECTION has been affected by  
drafts with the following LRB numbers: LRB-0229 and LRB-1256.

21 **SECTION 3.** 49.015 (2) of the statutes is amended to read:

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

9           **SECTION 4.** 49.13 (2) (cm) of the statutes is amended to read:

10           49.13 (2) (cm) The amount of food stamp benefits paid to a recipient who is a  
 11 participant in a Wisconsin works Works employment position under s. 49.147 (4) or  
 12 (5) shall be calculated based on the pre-sanction benefit amount received under s.  
 13 49.148. The amount of food stamp benefits paid to a recipient who is a participant  
 14 in a Wisconsin Works employment position under s. 49.147 (3m) shall be calculated  
 15 based on the participant's gross wages under s. 49.148 (1) (am) and stipend, if any  
 16 under s. 49.147 (3m) (g), as reduced under s. 49.148 (4), if relevant.

17           **SECTION 5.** 49.136 (2) (b) of the statutes is amended to read:

18           49.136 (2) (b) The department shall attempt to award grants under this section  
 19 to head start agencies designated under 42 USC 9836, employers that provide or  
 20 wish to provide child care services for their employees, family day care centers, group  
 21 day care centers and day care programs for the children of student parents,  
 22 organizations that provide child care for sick children, and child care providers that  
 23 employ participants or former participants in a Wisconsin works Works employment  
 24 position under s. 49.147 (3) to (5), as defined in s. 49.141 (1) (r).

25           **SECTION 6.** 49.141 (1) (e) of the statutes is amended to read:

1 49.141 (1) (e) "Job access loan" means a loan administered under s. 49.147 (6)  
2 49.1471.

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

4 49.141 (1) (mc) "Transitional subsidized private sector job" means a work  
5 component of Wisconsin Works administered under s. 49.147 (3m).

6 SECTION 8. 49.141 (1) (o) of the statutes is created to read:

7 49.141 (1) (o) "Unsubsidized employment" means employment for which the  
8 department or a Wisconsin Works agency provides no wage subsidy or  
9 reimbursement to the employer, including self-employment and entrepreneurial  
10 activities.

11 SECTION 9. 49.141 (1) (om) of the statutes is created to read:

12 49.141 (1) (om) "Wages" has the meaning given in s. 109.01 (3).

13 SECTION 10. 49.141 (4) of the statutes is amended to read:

14 49.141 (4) NONENTITLEMENT. Notwithstanding fulfillment of the eligibility  
15 requirements for any component of Wisconsin works Works, an individual is not  
16 entitled to services, employment, or benefits under Wisconsin works Works.

17 SECTION 11. 49.141 (5) (a) of the statutes is amended to read:

18 49.141 (5) (a) Have the effect of filling a vacancy created by an employer  
19 terminating a regular employee or otherwise reducing its work force for the purpose  
20 of hiring an individual under s. 49.147 (3), (4) or (5).

21 SECTION 12. 49.143 (2) (a) 4. of the statutes is amended to read:

22 49.143 (2) (a) 4. Create, and encourage others to create, on-the-job training  
23 sites for persons who are eligible for trial jobs, transitional subsidized private sector  
24 jobs, or community service jobs.

25 SECTION 13. 49.143 (2) (a) 5. of the statutes is amended to read:

1 49.143 (2) (a) 5. Foster and guide the entrepreneurial efforts of participants  
2 who are eligible for trial jobs, transitional subsidized private sector jobs, or  
3 community service jobs.

4 SECTION 14. 49.143 (2) (a) 6. of the statutes is amended to read:

5 49.143 (2) (a) 6. Provide mentors, both from its membership and from  
6 recruitment of members of the community, to provide job-related guidance,  
7 including assistance in resolving job-related issues and the provision of job leads or  
8 references, to persons who are eligible for trial jobs, transitional subsidized private  
9 sector jobs, or community service jobs.

10 SECTION 15. 49.143 (2) (f) of the statutes is renumbered 49.143 (2) (g) and  
11 amended to read:

12 49.143 (2) (g) Perform any other tasks specified by the department in the  
13 contract that the department determines are necessary for the administration of  
14 Wisconsin works Works.

15 SECTION 16. 49.143 (2) (fm) of the statutes is created to read:

16 49.143 (2) (fm) Provide to every participant in a transitional subsidized private  
17 sector job information about and assistance in obtaining any work supports for which  
18 the participant is eligible, such as child care, health insurance, and income tax  
19 credits and refunds.

20 SECTION 17. 49.143 (3g) (a) 4. of the statutes is amended to read:

21 49.143 (3g) (a) 4. Wages and benefits earned in unsubsidized employment by  
22 former participants in Wisconsin works Works employment positions.

23 SECTION 18. 49.145 (1) of the statutes is amended to read:

24 49.145 (1) GENERAL ELIGIBILITY. In order to be eligible for a Wisconsin works  
25 Works employment positions and position or job access loans loan for any month, an



1 individual shall meet the eligibility requirements under subs. (2) and (3). The  
2 department may promulgate rules establishing additional eligibility criteria and  
3 specifying how eligibility criteria are to be administered. The department may  
4 promulgate rules establishing payment and reporting periods as needed to  
5 administer this subsection.

6 **SECTION 19.** 49.145 (2) (i) of the statutes is amended to read:

7 49.145 (2) (i) The individual is not receiving supplemental security income  
8 under 42 USC 1381 to 1383c or state supplemental payments under s. 49.77 and, if  
9 the individual is a dependent child, the custodial parent of the individual does not  
10 receive a payment on behalf of the individual under s. 49.775. The department may  
11 require an individual who receives a stipend under s. 49.147 (3m) (g) or benefits  
12 under s. 49.148 and who has applied for supplemental security income under 42 USC  
13 1381 to 1383c to authorize the federal social security administration to reimburse the  
14 department for the stipend paid to the individual under s. 49.147 (3m) (g) or the  
15 benefits paid to the individual under s. 49.148 during the period that the individual  
16 was entitled to supplemental security income benefits to the extent that retroactive  
17 supplemental security income benefits are made available to the individual.

18 **SECTION 20.** 49.145 (2) (s) of the statutes is amended to read:

19 49.145 (2) (s) The individual assigns to the state any right of the individual or  
20 of any dependent child of the individual to support or maintenance from any other  
21 person, including any right to amounts accruing during the time that any Wisconsin  
22 ~~works~~ Works stipend or benefit is paid to the individual. If a minor who is a  
23 beneficiary of any Wisconsin ~~works~~ Works stipend or benefit is also the beneficiary  
24 of support under a judgment or order that includes support for one or more children  
25 ~~not receiving a benefit who are not beneficiaries~~ under Wisconsin ~~works~~ Works, any

1 support payment made under the judgment or order is assigned to the state during  
2 the period that the minor is a beneficiary of the Wisconsin works Works stipend or  
3 benefit in the amount that is the proportionate share of the minor receiving the  
4 benefit who is the beneficiary under Wisconsin works Works, except as otherwise  
5 ordered by the court on the motion of a party. Amounts assigned to the state under  
6 this paragraph remain assigned to the state until the amount due to the federal  
7 government has been recovered. No amount of support that begins to accrue after  
8 the individual ceases to receive the stipend or benefits under Wisconsin works Works  
9 may be considered assigned to this state. Except as provided in s. 49.1455, any money  
10 received by the department in a month under an assignment to the state under this  
11 paragraph for an individual applying for or participating in Wisconsin works Works  
12 shall be paid to the individual applying for or participating in Wisconsin works  
13 Works. The department shall pay the federal share of support assigned under this  
14 paragraph as required under federal law or waiver.

15 **SECTION 21.** 49.145 (3) (b) 1. of the statutes is amended to read:

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

25 **SECTION 22.** 49.146 (title) of the statutes is amended to read:

1           **49.146 (title) Employer criteria and selection.**

2           **SECTION 23.** 49.146 of the statutes is renumbered 49.146 (1) and amended to  
3 read:

4           **49.146 (1) ELIGIBILITY CRITERIA.** ~~The Subject to sub. (2), the department shall~~  
5 establish by rule criteria that an employer providing a Wisconsin works Works  
6 employment position must meet in order to employ a participant under s. 49.147 (3)  
7 to (5). An employer that does not meet the criteria established under this ~~section~~  
8 subsection is ineligible to receive any subsidy or reimbursement of costs for any  
9 position provided to a participant.

10           **SECTION 24.** 49.146 (2) of the statutes is created to read:

11           **49.146 (2) SELECTION OF EMPLOYERS FOR TRANSITIONAL SUBSIDIZED JOBS.** To be  
12 eligible to employ a participant under s. 49.147 (3m), an employer must be selected  
13 by the department under this subsection. The department shall request from  
14 employers proposals for employing participants under s. 49.147 (3m). The  
15 department shall select, and enter into contracts with, employers that meet the  
16 criteria established under sub. (1) and that demonstrate the ability to do all of the  
17 following:

- 18           (a) Create useful transitional subsidized private sector jobs.
- 19           (b) Provide effective supervision for participants.
- 20           (c) Manage payroll, taxes, and other financial matters in a responsible manner.
- 21           (d) Coordinate closely and cooperatively with a Wisconsin Works agency in  
22 moving participants employed by the employer under s. 49.147 (3m) into stable  
23 unsubsidized employment as quickly as possible.
- 24           (e) Comply in all respects with the Wisconsin Works program.

25           **SECTION 25.** 49.1465 of the statutes is created to read:

**49.1465 Education and training. (1) EDUCATIONAL NEEDS ASSESSMENT. A**

Wisconsin Works agency shall conduct an educational needs assessment of each individual who applies for a Wisconsin Works employment position. If the individual and the Wisconsin Works agency determine that the individual needs, or would benefit from, education or training activities, including a course of study meeting the standards established under s. 115.29 (4) for the granting of a declaration of equivalency of high school graduation, the Wisconsin Works agency shall include education or training activities in any employability plan developed for the individual. The Wisconsin Works agency shall pay, or arrange for payment, for the education or training services identified in the employability plan to the extent that funds are available.

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

**SECTION 26.** 49.147 (title) of the statutes is amended to read:

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

**SECTION 27.** 49.147 (1) of the statutes is repealed.

**SECTION 28.** 49.147 (1m) of the statutes is repealed.

**SECTION 29.** 49.147 (2) (a) 1. of the statutes is amended to read:

49.147 (2) (a) 1. An individual who applies for a Wisconsin works Works employment position may be required by the Wisconsin works Works agency to search for unsubsidized employment during the period that his or her application is being processed as a condition of eligibility. Subject to sub. (3m) (f) 2., a participant in a Wisconsin works Works employment position shall search for unsubsidized

1 employment throughout his or her participation. The department shall define by  
2 rule satisfactory search efforts for unsubsidized employment.

3 **SECTION 30.** 49.147 (3) (a) of the statutes is amended to read:

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

21 **SECTION 31.** 49.147 (3m) of the statutes is created to read:

22 49.147 (3m) TRANSITIONAL SUBSIDIZED PRIVATE SECTOR JOBS. (a) *Administration.*  
23 1. A Wisconsin Works agency shall administer a transitional subsidized private  
24 sector job program as part of its administration of the Wisconsin Works program to  
25 improve the employability of individuals who are not otherwise able to obtain

1 unsubsidized employment, as determined by the Wisconsin Works agency. If a  
2 Wisconsin Works agency determines for a participant that a placement under sub.  
3 (3) is inappropriate, or that an appropriate trial job is unavailable, and that a  
4 placement under either this subsection or sub. (4) is appropriate, the participant  
5 shall be allowed to choose between a placement under this subsection and a  
6 placement under sub. (4), to the extent of the availability of appropriate transitional  
7 subsidized private sector jobs and community service jobs. A placement under this  
8 subsection shall be given priority over placements under sub. (5).

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

16 3. An employer that employs a participant under this subsection shall be  
17 reimbursed by the department for up to 100% of the employer's costs that are  
18 attributable to employment of the participant, as determined by the department,  
19 including any of the following:

- 20 a. Wages.
- 21 b. Federal social security taxes.
- 22 c. State and federal unemployment contributions or taxes, if any.
- 23 d. Worker's compensation insurance premiums, if any.
- 24 e. Liability insurance premiums, if any.

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

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

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

13 a. Allow a participant to work in supported employment, if the Wisconsin  
14 Works agency determines that the participant is highly unlikely to be able to obtain  
15 or retain unsubsidized employment at a minimum wage.

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

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

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

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

18 (e) *Time-limited participation.* A participant under this subsection may be  
19 employed in any one transitional subsidized private sector job for a maximum of 6  
20 months, unless granted an extension by the Wisconsin Works agency. A participant  
21 may be employed in more than one transitional subsidized private sector job, and at  
22 the conclusion of each assignment under this subsection, the Wisconsin Works  
23 agency shall reassess the individual's employability. A participant's employment  
24 under this subsection may not exceed 24 months, which need not be consecutive. The  
25 department or, with the approval of the department, the Wisconsin Works agency



1 may grant an extension of the 24-month limit on a case-by-case basis if any of the  
2 following applies:

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

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

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

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

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

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

24 3. If the Wisconsin Works agency determines that a participant working in a  
25 transitional subsidized private sector job is not making satisfactory or good faith

1 efforts to seek unsubsidized employment after having been given appropriate notice  
2 by the Wisconsin Works agency, as defined by the department, the participant shall  
3 be terminated from his or her employment in the transitional subsidized private  
4 sector job. A participant who believes that he or she has been wrongfully terminated  
5 under this subdivision may appeal the termination to the department.

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

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

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

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

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

24 **SECTION 32.** 49.147 (4) (a) of the statutes is amended to read:

1           49.147 (4) (a) *Administration.* A Wisconsin ~~works~~ Works agency shall  
2 administer a community service job program as part of its administration of  
3 Wisconsin ~~works~~ Works to improve the employability of an individual who is not  
4 otherwise able to obtain employment, as determined by the Wisconsin ~~works~~ Works  
5 agency, by providing work experience and training, if necessary, to assist the  
6 individual to move promptly into unsubsidized public or private employment or a  
7 trial job. In determining an appropriate placement for a participant, a Wisconsin  
8 ~~works~~ Works agency shall give placement under this subsection priority over  
9 placements under sub. (5). If a Wisconsin Works agency determines that placement  
10 is appropriate for a participant under either this subsection or sub. (3m), the  
11 participant shall be allowed to choose between a placement under this subsection  
12 and a placement under sub. (3m), to the extent of the availability of appropriate  
13 transitional subsidized private sector jobs and community service jobs. Community  
14 service jobs shall be limited to projects that the department determines would serve  
15 a useful public purpose or projects the cost of which is partially or wholly offset by  
16 revenue generated from such projects. After each 6 months of an individual's  
17 participation under this subsection and at the conclusion of each assignment under  
18 this subsection, a Wisconsin ~~works~~ Works agency shall reassess the individual's  
19 employability.

20           **SECTION 33.** 49.147 (5) (a) 3. of the statutes is amended to read:

21           49.147 (5) (a) 3. The Wisconsin ~~works~~ Works agency determines that the  
22 individual is incapable of performing a trial job, transitional subsidized private  
23 sector job, or community service job.

1           **SECTION 34.** 49.147 (6) of the statutes, as affected by 2003 Wisconsin Act ....  
2 (this act), is renumbered 49.1471, and 49.1471 (title), (1) (c), (2) (c), (3m) (b) and (4)  
3 (intro.), as renumbered, are amended to read:

4           **49.1471 (title) Job Wisconsin Works; job access loan loans.**

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

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

12           (3m) (b) ~~Subdivision 1. Paragraph (a)~~ applies to delinquent repayments  
13 existing on or after the effective date of ~~this subdivision paragraph~~ .... [revisor inserts  
14 date], regardless of when the loan was made or when the delinquency accrued.

          \*\*\*NOTE: This is reconciled s. 49.1471(3m) (b). This SECTION has been affected by  
drafts with the following LRB numbers: LRB-0229 and LRB-1256.

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

19           **SECTION 35.** 49.148 (1) (intro.) of the statutes is amended to read:

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

23           **SECTION 36.** 49.148 (1) (am) of the statutes is created to read:

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

4           **SECTION 37.** 49.148 (1) (b) 1. of the statutes is amended to read:

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

17          **SECTION 38.** 49.148 (1m) (a) of the statutes is amended to read:

18          49.148 (1m) (a) A person who meets the eligibility requirements under s.  
19          49.145 (2) and (3) and who is a custodial parent of a child who is 12 weeks 6 months  
20          ~~old or less and who meets the eligibility requirements under s. 49.145 (2) and (3) may~~  
21          receive a monthly grant of \$673 unless another adult member of the custodial  
22          parent's Wisconsin works Works group is participating in, or is eligible to participate  
23          in, a Wisconsin works Works employment position or is employed in unsubsidized  
24          employment, as defined in s. 49.147 (1) (e). A Wisconsin works Works agency may

1 not require a participant under this subsection to participate in any Wisconsin Works  
2 employment positions.

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

9 SECTION 39. 49.148 (1m) (b) of the statutes is renumbered 49.148 (1m) (b) 2.  
10 and amended to read:

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

21 SECTION 40. 49.148 (4) (a) of the statutes is amended to read:

22 49.148 (4) (a) A Wisconsin ~~works~~ Works agency shall require a participant in  
23 a ~~transitional subsidized private sector job, community service job, or transitional~~  
24 placement who, after August 22, 1996, was convicted in any state or federal court of  
25 a felony that had as an element possession, use, or distribution of a controlled

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

14 **SECTION 41.** 49.148 (4) (b) of the statutes is amended to read:

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

20 **SECTION 42.** 49.149 (intro.) of the statutes is repealed.

21 **SECTION 43.** 49.149 (1) of the statutes is renumbered 49.1465 (2) (a).

22 **SECTION 44.** 49.149 (3) of the statutes is renumbered 49.1465 (2) (b).

23 **SECTION 45.** 49.149 (4) of the statutes is renumbered 49.1465 (2) (c).

24 **SECTION 46.** 49.15 (3) (a) of the statutes is amended to read:

25 49.15 (3) (a) Unsubsidized employment, as defined in s. 49.147 (1) (c).

1 SECTION 47. 49.152 (1) of the statutes is amended to read:

2 49.152 (1) PETITION FOR REVIEW. Any individual whose application for any  
3 component of Wisconsin ~~works~~ Works is not acted upon by the Wisconsin ~~works~~  
4 Works agency with reasonable promptness after the filing of the application, as  
5 defined by the department by rule, or is denied in whole or in part, whose benefit,  
6 wage, or stipend is modified or canceled, or who believes that the benefit, wage, or  
7 stipend was calculated incorrectly or that the Wisconsin Works employment position  
8 in which the individual was placed or the transitional subsidized private sector job  
9 that the individual was offered is inappropriate, may petition the Wisconsin ~~works~~  
10 Works agency for a review of such action. Review is unavailable if the action by the  
11 Wisconsin ~~works~~ Works agency occurred more than 45 days prior to submission of  
12 the petition for review.

13 SECTION 48. 49.152 (3) (a) of the statutes is amended to read:

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



1 49.148 beginning on the date on which the individual begins participation under s.  
2 49.147.

3 **SECTION 49.** 49.152 (3) (b) of the statutes is amended to read:

4 49.152 (3) (b) If, following review under sub. (2), the Wisconsin ~~works~~ Works  
5 agency or the department determines that a participant's benefit, wage, or stipend  
6 was improperly modified or canceled, or was calculated incorrectly, the Wisconsin  
7 ~~works~~ Works agency shall restore the benefit, wage, or stipend to the level  
8 determined to be appropriate by the Wisconsin ~~works~~ Works agency or by the  
9 department retroactive to the date on which the benefit, wage, or stipend was first  
10 improperly modified or canceled or incorrectly calculated.

11 **SECTION 50.** 49.155 (1m) (a) 3. of the statutes is amended to read:

12 49.155 (1m) (a) 3. Work in a Wisconsin ~~works~~ Works employment position,  
13 including participation in job search, orientation and training activities under s.  
14 49.147 (2) (a) or (3m) (f) and in education or training activities under s. 49.1465 or  
15 49.147 (3) (am), (3m) (g), (4) (am), or (5) (bm).

16 **SECTION 51.** 49.161 (4) of the statutes is created to read:

17 49.161 (4) **TRANSITIONAL SUBSIDIZED PRIVATE SECTOR JOBS OVERPAYMENTS.** The  
18 department shall by rule specify a process for recovering an overpayment of wages  
19 paid under s. 49.148 (1) (am) or an overpayment of a stipend paid under s. 49.147  
20 (3m) (g), including an overpayment caused by an intentional violation of ss. 49.141  
21 to 49.161 or of rules promulgated under those sections, that permits an employer to  
22 recover a wage overpayment from the individual to whom the wage was paid and that  
23 requires the department to recover from an employer any overpayment of a  
24 reimbursement paid by the department to the employer.

25 **SECTION 52.** 49.1635 (1) of the statutes is amended to read:

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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 53.** 49.175 (1) (n) of the statutes, as affected by 2003 Wisconsin Act  
10 .... (this act), is amended to read:

11           49.175 (1) (n) *Job access loans.* For job access loans under s. ~~49.147 (6)~~ 49.1471,  
12 \$200,000 in each fiscal year.

\*\*\*\*NOTE. This is reconciled s. 49.175 (1) (n). This SECTION has been affected by  
drafts with the following LRB numbers: LRB-1256 and LRB-1752.

13           **SECTION 54.** 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 55.** 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

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

1           **SECTION 56.** 49.195 (3) of the statutes is amended to read:

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

15           **SECTION 57.** 49.22 (6) of the statutes is amended to read:

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

25           **SECTION 58.** 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. (g) if all of the following apply:

5           **SECTION 59.** 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. (g) is subject to a  
9 monthly sanction.

10          **SECTION 60.** 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 61.** 49.32 (4) of the statutes is repealed.

15          **SECTION 62.** 49.32 (9) (a) of the statutes is amended to read:

16          49.32 (9) (a) Each county department under s. 46.215, 46.22, or 46.23  
17 administering aid to families with dependent children shall maintain a monthly  
18 report at its office showing the names of all persons receiving aid to families with  
19 dependent children together with the amount paid during the preceding month.  
20 Each Wisconsin ~~works~~ Works agency administering Wisconsin ~~works~~ Works under  
21 ss. 49.141 to 49.161 shall maintain a monthly report at its office showing the names  
22 of all persons receiving stipends under s. 49.147 (3m) (g) or benefits or wages under  
23 s. 49.148 together with the amount paid during the preceding month. Nothing in this  
24 paragraph shall be construed to authorize or require the disclosure in the report of  
25 any information ~~(, including names, amounts of aid, or otherwise)~~ other information,

1 pertaining to adoptions, or aid furnished for the care of children in foster homes or  
2 treatment foster homes under s. 46.261 or 49.19 (10).

3 **SECTION 63.** 49.32 (10) (b) of the statutes is amended to read:

4 49.32 (10) (b) If a law enforcement officer believes, on reasonable grounds, that  
5 a warrant has been issued and is outstanding for the arrest of a Wisconsin works  
6 Works participant, the law enforcement officer may request that a law enforcement  
7 officer be notified when the participant appears to obtain his or her stipend or  
8 benefits under the Wisconsin works Works program. At the request of a law  
9 enforcement officer under this paragraph, an employee of a Wisconsin works Works  
10 agency who disburses stipends or benefits may notify a law enforcement officer when  
11 the participant appears to obtain Wisconsin works his or her stipend or benefits.

12 **SECTION 64.** 49.32 (10m) (a) of the statutes is amended to read:

13 49.32 (10m) (a) A county department, relief agency under s. 49.01 (3m), or  
14 Wisconsin works Works agency shall, upon request, and after providing the notice  
15 to the recipient required by this paragraph, release the current address of a recipient  
16 of relief under s. 49.01 (3), aid to families with dependent children, a stipend under  
17 s. 49.147 (3m) (g), or benefits or wages under s. 49.148 to a person, the person's  
18 attorney, or an employee or agent of that attorney, if the person is a party to a legal  
19 action or proceeding in which the recipient is a party or a witness, unless the person  
20 is a respondent in an action commenced by the recipient under s. 813.12, 813.122,  
21 813.123, 813.125, or 813.127. If the person is a respondent in an action commenced  
22 by the recipient under s. 813.12, 813.122, 813.123, 813.125, or 813.127, the county  
23 department, relief agency, or Wisconsin works Works agency may not release the  
24 current address of the recipient. No county department, relief agency, or Wisconsin  
25 works Works agency may release an address under this paragraph until 21 days after

1 the address has been requested. A person requesting an address under this  
2 paragraph shall be required to prove his or her identity and his or her participation  
3 as a party in a legal action or proceeding in which the recipient is a party or a witness  
4 by presenting a copy of the pleading or a copy of the subpoena for the witness. The  
5 person shall also be required to sign a statement setting forth his or her name,  
6 address, and the reasons for making the request and indicating that he or she  
7 understands the provisions of par. (b) with respect to the use of the information  
8 obtained. The statement shall be made on a form prescribed by the department and  
9 shall be sworn and notarized. Within 7 days after an address has been requested  
10 under this paragraph, the county department, relief agency, or Wisconsin works  
11 Works agency shall mail to each recipient whose address has been requested a  
12 notification of that fact on a form prescribed by the department. The form shall also  
13 include the date on which the address was requested, the name and address of the  
14 person who requested the disclosure of the address, the reason that the address was  
15 requested, and a statement that the address will be released to the person who  
16 requested the address no sooner than 21 days after the date on which the request for  
17 the address was made. County departments, relief agencies, and Wisconsin works  
18 Works agencies shall keep a record of each request for an address under this  
19 paragraph.

20 **SECTION 65.** 49.36 (2) of the statutes is amended to read:

21 49.36 (2) The department may contract with any county, tribal governing body,  
22 or Wisconsin works Works agency to administer a work experience and job training  
23 program for parents who are not custodial parents and who fail to pay child support  
24 or to meet their children's needs for support as a result of unemployment or  
25 underemployment. The program may provide the kinds of work experience and job

1 training services available from the program under s. 49.193, 1997 stats., or s. 49.147  
2 (3), ~~(3m)~~, or (4). The program may also include job search and job orientation  
3 activities. The department shall fund the program from the appropriation under s.  
4 20.445 (3) (dz).

5 **SECTION 66.** 49.785 (1) (intro.) of the statutes, as affected by 2003 Wisconsin  
6 Act .... (this act), is amended to read:

7 49.785 (1) (intro.) Except as provided in sub. (1m), if any recipient of a stipend  
8 under s. 49.147 (3m) (g) or of benefits or wages under s. 49.148, 49.46, or 49.77, or  
9 under 42 USC 1381 to 1385 in effect on May 8, 1980, dies and the estate of the  
10 deceased recipient is insufficient to pay the funeral, burial, and cemetery expenses  
11 of the deceased recipient, the county or applicable tribal governing body or  
12 organization responsible for burial of the recipient shall pay, to the person  
13 designated by the county department under s. 46.215, 46.22, or 46.23 or applicable  
14 tribal governing body or organization responsible for the burial of the recipient, all  
15 of the following:

\*\*\*\*NOTE: This is reconciled s. 49.785 (1) (intro.). This SECTION has been affected  
by drafts with the following LRB numbers: LRB-0190 and LRB-1256.

16 **SECTION 67.** 49.85 (1) of the statutes, as affected by 2003 Wisconsin Act .... (this  
17 act), is amended to read:

18 49.85 (1) DEPARTMENT NOTIFICATION REQUIREMENT. If a county department under  
19 s. 46.215, 46.22, or 46.23 or a governing body of a federally recognized American  
20 Indian tribe or band determines that the department of health and family services  
21 may recover an amount under s. 49.497 or that the department of workforce  
22 development may recover an amount under s. 49.161, 49.195 (3), or 49.793, or collect  
23 an amount under s. ~~49.147 (6) (em)~~ 49.1471 (3m), the county department or



1 governing body shall notify the affected department of the determination. If a  
2 Wisconsin works agency determines that the department of workforce development  
3 may recover an amount under s. 49.161 or 49.195 (3), or collect an amount under s.  
4 ~~49.147 (6) (em)~~ 49.1471 (3m), the Wisconsin works agency shall notify the  
5 department of workforce development of the determination.

\*\*\*\*NOTE: This is reconciled s. 49.85 (1). This SECTION has been affected by drafts  
with the following LRB numbers: LRB-0229 and LRB-1256.

6 **SECTION 68.** 49.85 (2) (b) of the statutes, as affected by 2003 Wisconsin Act ....  
7 (this act), is amended to read:

8 49.85 (2) (b) At least annually, the department of workforce development shall  
9 certify to the department of revenue the amounts that, based on the notifications  
10 received under sub. (1) and on other information received by the department of  
11 workforce development, the department of workforce development has determined  
12 that it may recover under ss. 49.161, 49.195 (3), and 49.793, and collect under s.  
13 ~~49.147 (6) (em)~~ 49.1471 (3m), except that the department of workforce development  
14 may not certify an amount under this subsection unless it has met the notice  
15 requirements under sub. (3) and unless its determination has either not been  
16 appealed or is no longer under appeal.

\*\*\*\*NOTE: This is reconciled s. 49.85 (2) (b). This SECTION has been affected by drafts  
with the following LRB numbers: LRB-0229 and LRB-1256.

17 **SECTION 69.** 49.85 (3) (b) 1. of the statutes, as affected by 2003 Wisconsin Act  
18 .... (this act), is amended to read:

19 49.85 (3) (b) 1. Inform the person that the department of workforce  
20 development intends to certify to the department of revenue an amount that the  
21 department of workforce development has determined to be due under s. 49.161,  
22 49.195 (3), or 49.793, or to be delinquent under a repayment agreement for a loan

1 under s. ~~49.147 (6)~~ 49.1471, for setoff from any state tax refund that may be due the  
2 person.

\*\*\*NOTE: This is reconciled s. 49.85 (3) (b) 1. This SECTION has been affected by drafts with the following LRB numbers: LRB-0229 and LRB-1256.

3 **SECTION 70.** 49.95 (4m) (a) of the statutes is amended to read:

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

10 **SECTION 71.** 49.95 (11) of the statutes is amended to read:

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

13 **SECTION 72.** 49.96 of the statutes is amended to read:

14 **49.96 Assistance grants exempt from levy.** All grants of aid to families with  
15 dependent children, stipends paid under s. 49.147 (3m) (g), payments made under  
16 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  
17 49.157, payments made for social services, cash benefits paid by counties under s.  
18 59.53 (21), and benefits under s. 49.77 or federal Title XVI, are exempt from every  
19 tax, and from execution, garnishment, attachment, and every other process and shall  
20 be inalienable.

21 **SECTION 73.** 59.53 (5) (a) of the statutes is amended to read:

22 59.53 (5) (a) The board shall contract with the department of workforce  
23 development to implement and administer the child and spousal support and

1 establishment of paternity and the medical support liability programs provided for  
2 by Title IV of the federal social security act. The board may designate by board  
3 resolution any office, officer, board, department, or agency, except the clerk of circuit  
4 court, as the county child support agency. The board or county child support agency  
5 shall implement and administer the programs in accordance with the contract with  
6 the department of workforce development. The attorneys responsible for support  
7 enforcement under sub. (6) (a), circuit court commissioners, and all other county  
8 officials shall cooperate with the county and the department of workforce  
9 development as necessary to provide the services required under the programs. The  
10 county shall charge the fee established by the department of workforce development  
11 under s. 49.22 for services provided under this paragraph to persons not receiving  
12 a stipend under s. 49.147 (3m) (g), benefits or wages under s. 49.148 or 49.155, or  
13 assistance under s. 46.261, 49.19, or 49.47.

14 **SECTION 74.** 71.93 (1) (a) 4. of the statutes, as affected by 2003 Wisconsin Act  
15 .... (this act), is amended to read:

16 71.93 (1) (a) 4. An amount that the department of workforce development may  
17 recover under s. 49.161, 49.195 (3), or 49.793, or may collect under s. 49.147 (6) (em)  
18 49.1471 (3m), if the department of workforce development has certified the amount  
19 under s. 49.85.

\*\*\*\*NOTE: This is reconciled s. 71.93 (1) (a) 4. This SECTION has been affected by  
drafts with the following LRB numbers: LRB-0229 and LRB-1256.

20 **SECTION 75.** 102.07 (17m) of the statutes is amended to read:

21 102.07 (17m) A participant in a trial job under s. 49.147 (3) or a transitional  
22 subsidized private sector job under s. 49.147 (3m) is an employee of any employer

1 under this chapter for whom the participant is performing service at the time of the  
2 injury.

3 **SECTION 76.** 227.01 (13) (zL) of the statutes is created to read:

4 227.01 (13) (zL) Establishes guidelines under s. 49.147 (3m) (c), (d) 2., (f) 1. or  
5 2. b., or (g) 2. for transitional subsidized private sector jobs under Wisconsin Works.

6 **SECTION 77.** 767.045 (1) (c) 1. of the statutes is amended to read:

7 767.045 (1) (c) 1. Aid is provided under s. 46.261, 48.57 (3m) or (3n), 49.19, or  
8 49.45 on behalf of the child, or wages or a stipend are paid to or benefits are provided  
9 to the child's custodial parent under ss. 49.141 to 49.161, but the state and its  
10 delegate under s. 49.22 (7) are barred by a statute of limitations from commencing  
11 an action under s. 767.45 on behalf of the child.

12 **SECTION 78.** 767.075 (1) (c) of the statutes, as affected by 2003 Wisconsin Act  
13 .... (this act), is amended to read:

14 767.075 (1) (c) Whenever aid under s. 46.261, 48.57 (3m) or (3n), 49.19, or 49.45  
15 is provided on behalf of a dependent child or wages or a stipend are paid to or benefits  
16 are provided to the child's custodial parent under s. 49.79 or under ss. 49.141 to  
17 49.161.

\*\*\*\*NOTE: This is reconciled s. 767.075 (1) (c). This SECTION has been affected by  
drafts with the following LRB numbers: LRB-0015 and LRB-1256.

18 **SECTION 79.** 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.

1           **SECTION 80.** 767.15 (1) of the statutes is amended to read:

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

10           **SECTION 81.** 767.24 (6) (c) of the statutes is amended to read:

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

16           **SECTION 82.** 767.47 (6) (a) of the statutes is amended to read:

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

1 by the department which define good cause in accordance with the federal  
2 regulations, as authorized by 42 USC 602 (a) (26) (B) in effect on July 1, 1981.

3 **SECTION 83.** 767.47 (6) (b) of the statutes is amended to read:

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

9 **SECTION 84.** 814.61 (13) of the statutes is amended to read:

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

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

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

22 (2) USES FOR OTHER FEDERAL FUNDING. The department of workforce  
23 development shall investigate ways in which federal funding other than Temporary  
24 Assistance for Needy Families block grants, including but not limited to Workforce  
25 Investment Act funding, may be used by the state to create a more seamless system

1 of employment and education and training services for low-income adults in the  
2 state. The department of workforce development shall submit a report on the  
3 findings of its investigation to the department of administration no later than  
4 December 31, 2003.

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

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

16 (1) WISCONSIN WORKS. The treatment of sections 20.445 (3) (dz) (by SECTION 1)  
17 and (jL) (by SECTION 2), 49.015 (2), 49.13 (2) (cm), 49.136 (2) (b), 49.141 (1) (e), (mc),  
18 (o), and (om), (4), and (5) (a), 49.143 (2) (a) 4., 5., and 6., (f), and (fn) and (3g) (a) 4.,  
19 49.145 (1), (2) (i) and (s), and (3) (b) 1., 49.1465, 49.147 (title), (1), (1m), (2) (a) 1., (3)  
20 (a), (3m), (4) (a), (5) (a) 3., and (6) (by SECTION 34), 49.148 (intro.), and (b)  
21 1., (1m) (a) and (b) and (4) (a) and (b), 49.149 (intro.), (1), (3), and (4), 49.15 (3) (a)  
22 49.152 (1) and (3) (a) and (b), 49.155 (intro.), 49.163, 49.1635 (1), 49.172 (a)  
23 (by SECTION 53), 49.179, 49.195 (title), (1), and (3), 49.22 (6), 49.26 (1) (g) (intro.), (h)  
24 1s. b., and (hm), 49.32 (4), (9) (a), (10) (b), and (10m) (a), 49.36 (2), 49.85 (1) (by  
25 SECTION 67), (2) (b) (by SECTION 68), and (3) (b) 1. (by SECTION 69) 49.95 (4m) (a) and

1 (11), 49.96, 59.53 (5) (a), 71.93 (1) (a) 4. (by SECTION 74) 102.07 (17m), 227.01 (13) (zL),  
 2 767.045 (1) (c) 1., 767.075 (1) (c) (by SECTION 78) and (cm), 767.15 (1), 767.24 (6) (c),  
 3 767.47 (6) (a) and (b), and 814.81 (13) of the statutes, the renumbering and  
 4 amendment of section 49.146 of the statutes, the amendment of sections 49.146  
 5 (title) and 49.785 (1) (intro.) of the statutes, and the creation of section 49.146 (2) of

6 the statutes take effect on January 1, 2004.

7 (END)

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D-note

Enter:  
 No reconciliations had to be  
 No reconciliations had to be  
 undone as a result of the changes  
 to this draft. of the changes  
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PJK



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

LRB-1256/4dn  
PJK:cs:cph

February 7, 2003

Erin:

No reconciliation had to be undone as a result of the changes to this draft.

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