



2009 ASSEMBLY BILL 898

1 **AN ACT** *to repeal* 49.147 (3) (cm), 49.147 (3) (dm), 49.162 (3) (am) and 49.162 (3)
2 (d); *to renumber* 106.14; *to amend* 49.147 (3) (a), 49.147 (3) (a), 49.162 (3) (a)
3 and 49.162 (3) (a); and *to create* 49.143 (2r), 49.147 (3) (cm), 49.147 (3) (dm),
4 49.162 (3) (am), 49.162 (3) (d) and 106.14 (2) of the statutes; **relating to:** trial
5 job program and transitional jobs demonstration project.

Analysis by the Legislative Reference Bureau

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

6 **SECTION 1.** 49.143 (2r) of the statutes is created to read:
7 49.143 (2r) JOB PROGRAMS. A Wisconsin Works agency shall collaborate with
8 the local workforce development board to connect individuals seeking employment
9 with employment opportunities, including the trial job program under s. 49.147 (3)
10 and, if operating in the geographical area in which the Wisconsin Works agency

ASSEMBLY BILL 898**SECTION 1**

1 administers Wisconsin Works, the transitional jobs demonstration project under s.
2 49.162.

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

4 49.147 (3) (a) *Administration.* A Wisconsin ~~wor~~ks Works agency shall
5 administer a trial job program as part of its administration of the Wisconsin ~~wor~~ks
6 Works program to improve the employability of individuals who are not otherwise
7 able to obtain unsubsidized employment, as determined by the Wisconsin ~~wor~~ks
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 ~~wor~~ks Works agency shall give priority to placement
11 under this subsection over placements under subs. (4) and (5). The Wisconsin ~~wor~~ks
12 Works agency shall pay a wage subsidy to an any employer that employs a
13 participant under this subsection for a minimum of 20 hours per week at a location
14 in this state and that agrees to make a good faith effort to retain the participant as
15 a permanent unsubsidized employee after the wage subsidy is terminated. The wage
16 ~~subsidy may not exceed \$300 per month for full-time employment of a participant.~~
17 ~~For less than full-time employment of a participant during a month, the wage~~
18 ~~subsidy may not exceed a dollar amount determined by multiplying \$300 by a~~
19 ~~fraction, the numerator of which is the number of hours worked by the participant~~
20 ~~in the month and the denominator of which is the number of hours which would be~~
21 ~~required for full-time employment in that month~~ shall equal the amount of wages
22 that the employer actually pays the participant, up to 40 hours per week at minimum
23 wage.

24 **SECTION 4.** 49.147 (3) (a) of the statutes, as affected by 2009 Wisconsin Act ...
25 (this act), is amended to read:

ASSEMBLY BILL 898

1 49.147 (3) (a) *Administration.* A Wisconsin Works agency shall administer a
2 trial job program as part of its administration of the Wisconsin Works program to
3 improve the employability of individuals who are not otherwise able to obtain
4 unsubsidized employment, as determined by the Wisconsin Works agency, by
5 providing work experience and training to assist them to move promptly into
6 unsubsidized employment. In determining an appropriate placement for a
7 participant, a Wisconsin Works agency shall give priority to placement under this
8 subsection over placements under subs. (4) and (5). The Wisconsin Works agency
9 shall pay a wage subsidy to ~~any~~ an employer that employs a participant under this
10 subsection ~~for a minimum of 20 hours per week at a location in this state and that~~
11 ~~agrees to make a good faith effort to retain the participant as a permanent~~
12 ~~unsubsidized employee after the wage subsidy is terminated. The wage subsidy~~
13 ~~shall equal the amount of wages that the employer actually pays the participant, up~~
14 ~~to 40 hours per week at minimum wage~~ may not exceed \$300 per month for full-time
15 employment of a participant. For less than full-time employment of a participant
16 during a month, the wage subsidy may not exceed a dollar amount determined by
17 multiplying \$300 by a fraction, the numerator of which is the number of hours
18 worked by the participant in the month and the denominator of which is the number
19 of hours that would be required for full-time employment in that month.

20 **SECTION 5.** 49.147 (3) (cm) of the statutes is created to read:

21 49.147 (3) (cm) *Time-limited participation.* A participant under this
22 subsection may work in a trial job for a maximum of 1,040 hours, including education
23 and training activities under par. (am).

24 **SECTION 6.** 49.147 (3) (cm) of the statutes, as created by 2009 Wisconsin Act
25 this act, is repealed.

ASSEMBLY BILL 898**SECTION 7**

1 **SECTION 7.** 49.147 (3) (dm) of the statutes is created to read:

2 49.147 **(3)** (dm) *Report on progress.* Within 30 days after the end of each
3 calendar quarter, the department shall submit a report to the joint committee on
4 finance that outlines the department's progress in implementing the temporary
5 expansion of the trial job program under this subsection and that identifies the
6 employers participating in the program under this subsection. The report under this
7 paragraph may be combined with the report under s. 49.162 (3) (d).

8 **SECTION 8.** 49.147 (3) (dm) of the statutes, as created by 2009 Wisconsin Act
9 (this act), is repealed.

10 **SECTION 9.** 49.162 (3) (a) of the statutes, as created by 2009 Wisconsin Act 28,
11 is amended to read:

12 49.162 **(3)** (a) The department shall provide ~~up to 2,500~~ transitional jobs under
13 the demonstration project. ~~The jobs shall be allocated among Milwaukee County,~~
14 ~~Dane County, Racine County, Kenosha County, Rock County, Brown County, and~~
15 ~~other regions of the state, as determined by the department, in the same proportion~~
16 ~~as the total number of Wisconsin Works participants are allocated among those~~
17 ~~counties and other regions as of June 30, 2009.~~

18 **SECTION 10.** 49.162 (3) (a) of the statutes, as affected by 2009 Wisconsin Act ...
19 (this act), is amended to read:

20 49.162 **(3)** (a) The department shall provide up to 2,500 transitional jobs under
21 the demonstration project. The jobs shall be allocated among Milwaukee County,
22 Dane County, Racine County, Kenosha County, Rock County, Brown County, and
23 other regions of the state, as determined by the department, in the same proportion
24 as the total number of Wisconsin Works participants are allocated among those
25 counties and other regions as of June 30, 2009.

ASSEMBLY BILL 898

1 **SECTION 11.** 49.162 (3) (am) of the statutes is created to read:

2 49.162 **(3)** (am) The demonstration project shall include all of the following
3 features and requirements:

4 1. The department shall pay a wage subsidy to any employer that employs an
5 individual under this section for a minimum of 20 hours per week at a location in this
6 state. The wage subsidy shall equal the amount of wages that the employer actually
7 pays the individual, up to 40 hours per week at minimum wage.

8 2. An employer that employs an individual under this section shall pay the
9 individual for hours actually worked, up to 40 hours per week, at not less than
10 minimum wage.

11 3. An individual may participate in the demonstration project for a maximum
12 of 1,040 hours actually worked.

13 4. The employment of an individual under this section may not do any of the
14 following:

15 a. Have the effect of filling a vacancy created by an employer terminating a
16 regular employee or otherwise reducing its work force for the purpose of hiring an
17 individual under this section.

18 b. Fill a position when any other person is on layoff or strike from the same or
19 a substantially equivalent job within the same organizational unit.

20 c. Fill a position when any other person is engaged in a labor dispute regarding
21 the same or a substantially equivalent job within the same organizational unit.

22 **SECTION 12.** 49.162 (3) (am) of the statutes, as created by 2009 Wisconsin Act
23 (this act), is repealed.

24 **SECTION 13.** 49.162 (3) (d) of the statutes is created to read:

ASSEMBLY BILL 898**SECTION 13**

1 49.162 (3) (d) Within 30 days after the end of each calendar quarter, the
2 department shall submit a report to the joint committee on finance that outlines the
3 department's progress in implementing the demonstration project as described in
4 par. (am) and that identifies the employers participating in the demonstration
5 project. The report under this paragraph may be combined with the report under s.
6 49.147 (3) (dm).

7 **SECTION 14.** 49.162 (3) (d) of the statutes, as created by 2009 Wisconsin Act ...
8 (this act), is repealed.

9 **SECTION 16.** 106.14 of the statutes is renumbered 106.14 (1).

10 **SECTION 18.** 106.14 (2) of the statutes is created to read:

11 106.14 (2) The department shall publicize and maintain on its job center Web
12 site information related to the job programs under ss. 49.147 (3) and 49.162 so that
13 employers and individuals seeking employment may obtain information about the
14 programs, including how to participate in them.

15 **SECTION 20. Nonstatutory provisions.**

16 (1) DETERMINE WHETHER PAYMENTS ARE MATCHING FUNDS. The department of
17 children and families shall determine whether any amounts paid by the state toward
18 the earned income tax credit from the appropriation under section 20.835 (2) (f) of
19 the statutes and for the weatherization and low-income energy assistance programs
20 under sections 16.26 and 16.27 of the statutes from the appropriation under section
21 20.505 (3) (r) of the statutes qualify as state matching funds for federal moneys
22 received from the Temporary Assistance for Needy Families Emergency Fund under
23 the American Recovery and Reinvestment Act of 2009.

24 (1m) PUBLISH NOTICE IN THE WISCONSIN ADMINISTRATIVE REGISTER THAT FUNDING
25 IS AVAILABLE. The department of children and families shall determine whether the

ASSEMBLY BILL 898

1 expansion of trial jobs under section 49.147 (3) of the statutes, as affected by this act,
2 and of the project under section 49.162 of the statutes, as affected by this act, is a
3 mechanism for obtaining some or all of available federal moneys from the Temporary
4 Assistance for Needy Families Emergency Fund under the American Recovery and
5 Reinvestment Act of 2009. If the department determines that expanding those
6 programs, as provided in this act, is the preferred mechanism for obtaining that
7 federal funding, the department shall publish a notice in the Wisconsin
8 Administrative Register that states the date on which the department made that
9 determination.

10 (2) PUBLISH NOTICE IN THE WISCONSIN ADMINISTRATIVE REGISTER THAT FUNDING IS
11 NOT AVAILABLE. If, after making the determination under subsection (1m), the
12 department of children and families determines that federal moneys from the
13 Temporary Assistance for Needy Families Emergency Fund under the American
14 Recovery and Reinvestment Act of 2009 are no longer available to support an
15 expansion of trial jobs under section 49.147 (3) of the statutes, as affected by this act,
16 and the project under section 49.162 of the statutes, as affected by this act, the
17 department shall publish a notice in the Wisconsin Administrative Register that
18 states the date on which the federal moneys may no longer be obtained.

19 (4) EVALUATION OF TRANSITIONAL JOBS PROJECT. The department of children and
20 families shall evaluate the demonstration project under section 49.162 of the
21 statutes, as affected by this act, and its effectiveness in Milwaukee County, Dane
22 County, Racine County, Kenosha County, Rock County, Brown County, and other
23 regions of the state, as determined by the department, and no later than June 30,
24 2011, submit a report of its evaluation to the joint committee on finance and to the

ASSEMBLY BILL 898

1 appropriate standing committees of the legislature in the manner provided under
2 section 13.172 (3) of the statutes.

3 (5) ADDITIONAL FUNDING FOR PROGRAMS. If any other federal funding becomes
4 available for the programs under sections 49.147 (3) and 49.162 of the statutes, as
5 affected by this act, the department of children and families shall take any actions
6 that may be necessary to obtain the funding and use it for those programs.

7 **SECTION 22. Effective dates.** This act takes effect on the day after publication,
8 except as follows:

9 (1) The amendment of sections 49.147 (3) (a) (by SECTION 3) and 49.162 (3) (a)
10 (by SECTION 9) of the statutes and the creation of sections 49.147 (3) (cm) and (dm)
11 and 49.162 (3) (am) and (d) of the statutes take effect on the date stated in the notice
12 published by the department of children and families under SECTION 20 (1m) of this
13 act.

14 (2) The repeal of sections 49.147 (3) (cm) and (dm) and 49.162 (3) (am) and (d)
15 of the statutes and the amendment of sections 49.147 (3) (a) (by SECTION 4) and 49.162
16 (3) (a) (by SECTION 10) of the statutes take effect on the date stated in the notice
17 published by the department of children and families under SECTION 20 (2) of this act.

18 (END)