



State of Wisconsin
2009 - 2010 LEGISLATURE

LRB-4477/P

PJK:nwr:as

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~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

(L 3-15)
wanted by wed

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SA

relating to

1 AN ACT *to repeal* 49.143 (2r), 49.147 (3) (cm), 49.162 (3) (c) 1., 49.162 (3) (c) 2.,
 2 49.162 (3) (c) 3., 49.162 (3) (c) 4. and 106.14 (2); *to renumber* 106.14 and 106.14
 3 (1); *to renumber and amend* 49.162 (3) (c) (intro.) and 49.162 (3) (c); *to*
 4 *amend* 49.147 (3) (a), 49.147 (3) (a), 49.148 (1) (a), 49.148 (1) (a) and 49.175 (1)
 5 (a); and *to create* 49.143 (2r), 49.147 (3) (cm), 49.162 (3) (c) 1., 49.162 (3) (c) 2.,
 6 49.162 (3) (c) 3., 49.162 (3) (c) 4. and 106.14 (2) of the statutes; **relating to:** trial
 7 job program and transitional jobs demonstration project, **granting**
 8 **rule-making authority**, and making an appropriation.

Analysis by the Legislative Reference Bureau

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 and child care subsidies for certain parents who need child care services to participate in various educational or work activities. W-2, which is administered by the Department of Children and Families (DCF), which in turn contracts with W-2 agencies to administer W-2 on the local level, is partially funded with federal Temporary Assistance for Needy Families (TANF) block grant moneys. One of the work components under W-2 is the trial job program (program), under which an individual receives at least minimum wage from

1040 hours actually worked
Insert A

DCF provides up to 2,500 transitional jobs for an employer for up to 40 hours of work per week and the W-2 agency pays the employer a wage subsidy of up to \$300 per month. Also under current law, DCF is required to conduct a transitional jobs demonstration project (project) in six counties under which unemployed, low-income adults who are not eligible for W-2 work in transitional jobs

This bill provides federal funding from the TANF Emergency Fund under the American Recovery and Reinvestment Act of 2009 and a 20 percent match of general purpose revenue funding for the project and for an expansion of the program. Under both the project and the program, an individual may participate for a maximum of six months, an employer is provided a subsidy of up to \$1,500 per employee per month, and an employee is paid by the employer at the state or federal minimum wage, whichever is higher

Also under the bill, the Department of Workforce Development is required to publicize and maintain information about the project and the program, and how to participate in them, on its job center Web site. W-2 agencies are required to collaborate with local workforce development boards to connect job seekers with employment opportunities, including the project and the program.

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

not less than

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

1 SECTION 1. 49.143 (2r) of the statutes is created to read:

2 49.143 (2r) EXPANDED JOB PROGRAMS. A Wisconsin Works agency shall
3 collaborate with the local workforce development board to connect individuals
4 seeking employment with employment opportunities, including the expanded trial
5 job program under s. 49.147 (3) and, if operating in the geographical area in which
6 the Wisconsin Works agency administers Wisconsin Works, the transitional jobs
7 demonstration project under s. 49.162.

8 SECTION 2. 49.143 (2r) of the statutes, as created by 2009 Wisconsin Act (this
9 act), is repealed.

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

11 49.147 (3) (a) Administration. A Wisconsin works Works agency shall
12 administer a trial job program as part of its administration of the Wisconsin works

1 Works program to improve the employability of individuals who are not otherwise
2 able to obtain unsubsidized employment, as determined by the Wisconsin ~~works~~
3 Works agency, by providing work experience and training to assist them to move
4 promptly into unsubsidized employment. In determining an appropriate placement
5 for a participant, a Wisconsin ~~works~~ Works agency shall give priority to placement
6 under this subsection over placements under subs. (4) and (5). The Wisconsin ~~works~~
7 Works agency shall pay a wage subsidy to an employer that employs a participant
8 under this subsection and agrees to make a good faith effort to retain the participant
9 as a permanent unsubsidized employee after the wage subsidy is terminated. The
10 wage subsidy may not exceed ~~\$300~~ \$1,500 per month for full-time employment of a
11 participant. For less than full-time employment of a participant during a month, the
12 wage subsidy may not exceed a dollar amount determined by multiplying ~~\$300~~
13 \$1,500 by a fraction, the numerator of which is the number of hours worked by the
14 participant in the month and the denominator of which is the number of hours which
15 would be required for full-time employment in that month. Any employer that
16 employs a participant under this subsection is eligible for a wage subsidy under this
17 paragraph.

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

20 49.147 (3) (a) *Administration.* A Wisconsin Works agency shall administer a
21 trial job program as part of its administration of the Wisconsin Works program to
22 improve the employability of individuals who are not otherwise able to obtain
23 unsubsidized employment, as determined by the Wisconsin Works agency, by
24 providing work experience and training to assist them to move promptly into
25 unsubsidized employment. In determining an appropriate placement for a

1 participant, a Wisconsin Works agency shall give priority to placement under this
 2 subsection over placements under subs. (4) and (5). The Wisconsin Works agency
 3 shall pay a wage subsidy to an employer that employs a participant under this
 4 subsection and agrees to make a good faith effort to retain the participant as a
 5 permanent unsubsidized employee after the wage subsidy is terminated. The wage
 6 subsidy may not exceed \$1,500 \$300 per month for full-time employment of a
 7 participant. For less than full-time employment of a participant during a month, the
 8 wage subsidy may not exceed a dollar amount determined by multiplying \$1,500
 9 \$300 by a fraction, the numerator of which is the number of hours worked by the
 10 participant in the month and the denominator of which is the number of hours which
 11 would be required for full-time employment in that month. ~~Any employer that~~
 12 ~~employs a participant under this subsection is eligible for a wage subsidy under this~~
 13 ~~paragraph.~~

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

15 49.147 (3) (cm) *Time-limited participation.* A participant under this
 16 subsection may participate ^{work} in a trial job for a maximum of 6 months ^{Insert 4-16}

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

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

20 49.148 (1) (a) *Trial jobs.* For a participant in a trial job, the amount established
 21 in the contract between the Wisconsin ~~works~~ Works agency and the trial job
 22 employer, but not less than the state or federal minimum wage, whichever is higher,
 23 for every hour actually worked in the trial job, not to exceed 40 hours per week paid
 24 by the employer. Hours spent participating in education and training activities

1 under s. 49.147 (3) (am) shall be included in determining the number of hours
2 actually worked.

3 **SECTION 8.** 49.148 (1) (a) of the statutes, as affected by 2009 Wisconsin Act
4 (this act), is amended to read:

5 49.148 (1) (a) *Trial jobs.* For a participant in a trial job, the amount established
6 in the contract between the Wisconsin Works agency and the trial job employer, but
7 not less than ~~the state or federal~~ minimum wage, ~~whichever is higher~~, for every hour
8 actually worked in the trial job, not to exceed 40 hours per week paid by the employer.
9 Hours spent participating in education and training activities under s. 49.147 (3)
10 (am) shall be included in determining the number of hours actually worked.

11 **SECTION 9.** 49.162 (3) (c) (intro.) of the statutes, as affected by 2009 Wisconsin
12 Act (this act), is renumbered 49.162 (3) (c) and amended to read:

13 49.162 (3) (c) The department shall promulgate rules for the operation of the
14 demonstration project under this section. ~~The rules shall include all of the following:~~

15 **SECTION 10.** 49.162 (3) (c) of the statutes, as created by 2009 Wisconsin Act 28,
16 is renumbered 49.162 (3) (c) (intro.) and amended to read:

17 49.162 (3) (c) (intro.) The department shall promulgate rules for the operation
18 of the demonstration project under this section. The rules shall include all of the
19 following:

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

21 49.162 (3) (c) 1. That an individual may participate in the demonstration
22 project under this section for a maximum of 6 months.

23 **SECTION 12.** 49.162 (3) (c) 1. of the statutes, as created by 2009 Wisconsin Act
24 (this act), is repealed.

25 **SECTION 13.** 49.162 (3) (c) 2. of the statutes is created to read:

not less than

2

1 49.162 (3) (c) 2. That an individual shall be paid by an employer for hours
2 actually worked, up to 40 hours per week, at the state or federal minimum wage,
3 whichever is higher.

4 **SECTION 14.** 49.162 (3) (c) 2. of the statutes, as created by 2009 Wisconsin Act
5 (this act), is repealed.

6 **SECTION 15.** 49.162 (3) (c) 3. of the statutes is created to read:

7 49.162 (3) (c) 3. That any employer that employs an individual under this
8 section shall be eligible for a wage subsidy of up to \$1,500 per month.

9 **SECTION 16.** 49.162 (3) (c) 3. of the statutes, as created by 2009 Wisconsin Act
10 (this act), is repealed.

11 **SECTION 17.** 49.162 (3) (c) 4. of the statutes is created to read:

12 49.162 (3) (c) 4. That the employment of an individual under this section may
13 not do any of the following:

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

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

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

21 **SECTION 18.** 49.162 (3) (c) 4. of the statutes, as created by 2009 Wisconsin Act
22 (this act), is repealed.

23 **SECTION 19.** 49.175 (1) (a) of the statutes, as affected by 2009 Wisconsin Act 28,
24 is amended to read:

insert 6-22

x

x

x

x

x

✓

1 49.175 (1) (a) *Wisconsin Works and other benefits*. For Wisconsin Works
2 benefits, ~~\$49,139,400~~ and benefits under s. 49.162, \$124,139,400 in fiscal year
3 2009-10 and ~~\$51,229,600~~ \$126,229,600 in fiscal year 2010-11.

****NOTE: The program under s. 49.162 is not part of W-2. Is the way in which I
have amended this provision okay or would you like to have a new allocation created for
that program?

4 **SECTION 20.** 106.14 of the statutes is renumbered 106.14 (1).

5 **SECTION 21.** 106.14 (1) of the statutes, as affected by 2009 Wisconsin Act
6 (this act), is renumbered 106.14.

7 **SECTION 22.** 106.14 (2) of the statutes is created to read:

8 106.14 (2) The department shall publicize and maintain on its job center Web
9 site information related to the job programs under ss. 49.147 (3) and 49.162 so that
10 employers and individuals seeking employment may obtain information about the
11 programs, including how to participate in them.

12 **SECTION 23.** 106.14 (2) of the statutes, as created by 2009 Wisconsin Act (this
13 act), is repealed.

14 **SECTION 24. Nonstatutory provisions.**

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

1 (2) PUBLISH NOTICE IN THE WISCONSIN ADMINISTRATIVE REGISTER. If the
2 department determines that federal moneys from the Temporary Assistance for
3 Needy Families Emergency Fund under the American Recovery and Reinvestment
4 Act of 2009 are no longer available to support an expansion of ^{trial} jobs under section
5 49.147 (3) of the statutes, as affected by this act, and the project under section 49.162
6 of the statutes, as affected by this act, the department shall publish a notice in the
7 Wisconsin Administrative Register that states the date on which the federal moneys
8 are depleted.

9 (3) REQUIRED GENERAL FUND BALANCE. Section 20.003 (4) of the statutes does not
10 apply to the action of the legislature in enacting this act.

11 **SECTION 25. Fiscal changes.**

12 (1) In the schedule under section 20.005 (3) of the statutes for the appropriation
13 to the department of children and families under section 20.437 (2) (dz) of the
14 statutes, as affected by the acts of 2009, the dollar amount is increased by
15 \$15,000,000 for the first fiscal year of the fiscal biennium in which this subsection
16 takes effect to increase funding for the programs under sections 49.147 (3) and
17 49.162 of the statutes, as affected by this act. In the schedule under section 20.005
18 (3) of the statutes for the appropriation to the department of children and families
19 under section 20.437 (2) (dz) of the statutes, as affected by the acts of 2009, the dollar
20 amount is increased by \$15,000,000 for the second fiscal year of the fiscal biennium
21 in which this subsection takes effect to increase funding for the programs under
22 sections 49.147 (3) and 49.162 of the statutes, as affected by this act.

23 (2) In the schedule under section 20.005 (3) of the statutes for the appropriation
24 to the department of children and families under section 20.437 (2) (md) of the
25 statutes, as affected by the acts of 2009, the dollar amount is increased by

1 \$60,000,000 for the first fiscal year of the fiscal biennium in which this subsection
2 takes effect to increase funding for the programs under sections 49.147 (3) and
3 49.162 of the statutes, as affected by this act. In the schedule under section 20.005
4 (3) of the statutes for the appropriation to the department of children and families
5 under section 20.437 (2) (md) of the statutes, as affected by the acts of 2009, the dollar
6 amount is increased by \$60,000,000 for the second fiscal year of the fiscal biennium
7 in which this subsection takes effect to increase funding for the programs under
8 sections 49.147 (3) and 49.162 of the statutes, as affected by this act.

9 **SECTION 26. Effective dates.** This act takes effect on the day after publication,
10 except as follows:

11 (1) The repeal of sections 49.143 (2r), 49.147 (3) (cm), 49.162 (3) (c) ^{am} 1., 2., 3., and
12 ^{stays} (4) and 106.14 (2) of the statutes, the renumbering of section 106.14 (1) of the
13 statutes, ~~the renumbering and amendment of section 49.162 (3) (c) (intro.) of the~~
14 ~~statutes~~, and the amendment of sections 49.147 (3) (a) (by SECTION 4) and 49.148 (1)
15 (a) (by SECTION 8) of the statutes take effect on the date stated in the notice published
16 by the department of children and families under SECTION 24 (2) of this act.

17 (END)

and 49.162 (3)(a) (by ^(CS) SECTION X)

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FROM THE
LEGISLATIVE REFERENCE BUREAU

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for employing an individual and agreeing to make a good faith effort to retain the individual as a permanent unsubsidized employee after the subsidy ends
(END OF INSERT A)

INSERT B

wof
As under current law for the program, the bill prohibits the employment of an individual under the project from having the effect of filling a vacancy created by terminating a regular employee's employment for the purpose of hiring an individual under the project or of filling a position of a person who is on layoff or strike or engaged in a labor dispute regarding the job. Finally, the bill expands the project so that it is not limited to 2,500 transitional jobs nor to any specific geographic areas of the state. ✓
✓
✓

(END OF INSERT B)

INSERT 4-16

wof
1 1040 hours, including education and training activities under par. (am) ✓

(END OF INSERT 4-16)

INSERT 6-22

2 SECTION 1. 49.162 (3) (a) of the statutes, as created by 2009 Wisconsin Act 28, ✓
3 is amended to read:

4 49.162 (3) (a) The department shall provide up to 2,500 transitional jobs under
5 the demonstration project. ~~The jobs shall be allocated among Milwaukee County,~~
6 ~~Dane County, Racine County, Kenosha County, Rock County, Brown County, and~~
7 ~~other regions of the state, as determined by the department, in the same proportion~~
8 ~~as the total number of Wisconsin Works participants are allocated among those~~
9 ~~counties and other regions as of June 30, 2009.~~

History: 2009 a. 28.

10 SECTION 2. 49.162 (3) (a) of the statutes, as affected by 2009 Wisconsin Act ✓
11 (this act), is amended to read:

auto ref A

Ins 6-22 contd 3 of 3

1 a. Have the effect of filling a vacancy created by an employer terminating a ✓
2 regular employee or otherwise reducing its work force for the purpose of hiring an /
3 individual under this section.

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

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

8 **SECTION 4.** 49.162 (3) (am) of the statutes, as created by 2009 Wisconsin Act
9 (this act), is repealed.

(END OF INSERT 6-22)

Kahler, Pam

From: Benish, Kevin
Sent: Friday, March 19, 2010 10:06 AM
To: Kahler, Pam
Cc: Swissdorf, Kim
Subject: Changes to LRB 4477

Dear Pam,

After speaking with Kim at LFB, we've found an easier way to fund the program that does not require the creation of a program fund. Also, I know you are working on a bill for Cindy in our office. Please give her bill priority over this one (though I hope we can still have this bill prepared sometime soon). Thanks for your help with this.

Please make the following changes:

- ✓ Change LRB 4477 to require 100% subsidy of employee wages (state or federal minimum wage, whichever is higher). **Employers participating in the program must cover Medicare, Unemployment Insurance, FICA, and Workers Compensation.** Under this bill, they would receive a 100% subsidy for the employee wages. I spoke with Kim at LFB about this and how it would work. Please call her and she will be able to provide additional details.
- ✓ Require an evaluation of the transitional jobs program and its effectiveness based on the geographic areas described in the original demonstration project (to be done by DCF). This evaluation would be reported to Joint Finance Committee and the relevant standing committees. *by June 30, 2011*
- ✓ Require DCF to report to Joint Finance Committee on a quarterly basis describing the progress in implementing this temporary expansion, as well as the employers that are participating under this bill. *both trial & non*
- ✓ Require that the employer site be in the state. *include them in the report*
- ✗ ~~Employers participating during strike or lockout are ineligible to hire (subsidized employment should not be a union busting tactic).~~ *leave out*
- ✓ Employers must bring on participants for at least fulltime employment (20 hours a week minimum). *(half time)*
- ✓ Add language that stipulates this program could be funded from another source if such funds became available through the federal government besides TANF (i.e. the US Senate jobs bill).
- ✓ Page 7, line 9: change the word "the" to "any." Would like it to read: "children and families shall determine whether any amounts paid by the state toward"
- ✓ Page 4, lines 6-7 (related to the "good faith effort to retain participating employees"). This provision should only apply to Trial Jobs, not Transitional Jobs.

QUESTION: Under the bill, private businesses, non-profits, municipalities, and public hospitals can participate in this, correct? I want to make sure these employers would be eligible.

Thanks,



State of Wisconsin
2009 - 2010 LEGISLATURE

LRB-4477/6

PJK:nwn&cjs:rb

WES

2009 BILL

stays

is not repeal

D-note
(in 3-19)
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1 AN ACT ~~to repeal~~ 49.143 (2r), 49.147 (3) (cm), 49.162 (3) (am) and 106.14 (2); to
2 **renumber** 106.14 and 106.14 (1); **to amend** 49.147 (3) (a), 49.147 (3) (a), 49.162
3 (3) (a), 49.162 (3) (a) and 49.175 (1) (a); and **to create** 49.143 (2r), 49.147 (3)
4 (cm), 49.162 (3) (am) and 106.14 (2) of the statutes; **relating to:** trial job
5 program and transitional jobs demonstration project and making an
6 appropriation.

Analysis by the Legislative Reference Bureau

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 and child care subsidies for certain parents who need child care services to participate in various educational or work activities. W-2, which is administered by the Department of Children and Families (DCF), which in turn contracts with W-2 agencies to administer W-2 on the local level, is partially funded with federal Temporary Assistance for Needy Families (TANF) block grant moneys. One of the work components under W-2 is the trial job program (program), under which an individual receives at least minimum wage from an employer for up to 40 hours of work per week and the W-2 agency pays the employer a wage subsidy of up to \$300 per month. Also under current law, DCF is required to conduct a transitional jobs demonstration project (project) in six counties under which DCF provides up to 2,500 transitional jobs for unemployed, low-income adults who are not eligible for W-2.

BILL

This bill provides federal funding from the TANF Emergency Fund under the American Recovery and Reinvestment Act of 2009 and a 20 percent match of general purpose revenue funding for the project and for an expansion of the program. Under both the project and the program, an individual may participate for a maximum of 1,040 hours actually worked, an employer is provided a subsidy of up to \$1,500 per month for employing an individual and agreeing to make a good faith effort to retain the individual as a permanent unsubsidized employee after the subsidy ends, and an employee is paid by the employer at not less than minimum wage. *insert A*

As under current law for the program, the bill prohibits the employment of an individual under the project from having the effect of filling a vacancy created by terminating a regular employee's employment for the purpose of hiring an individual under the project or of filling a position of a person who is on layoff or strike or engaged in a labor dispute regarding the job. Finally the bill expands the project so that it is not limited to 2,500 transitional jobs nor to any specific geographic areas of the state.

insert B Also under the bill, the Department of Workforce Development is required to publicize and maintain information about the project and the program, and how to participate in them, on its job center Web site. W-2 agencies are required to collaborate with local workforce development boards to connect job seekers with employment opportunities, including the project and the program.

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.** 49.143 (2r) of the statutes is created to read:
 2 49.143 (2r) EXPANDED JOB PROGRAMS. A Wisconsin Works agency shall
 3 collaborate with the local workforce development board to connect individuals
 4 seeking employment with employment opportunities, including the expanded trial
 5 job program under s. 49.147 (3) and, if operating in the geographical area in which
 6 the Wisconsin Works agency administers Wisconsin Works, the transitional jobs
 7 demonstration project under s. 49.162.

8 **SECTION 2.** 49.143 (2r) of the statutes, as created by 2009 Wisconsin Act ... (this
 9 act), is repealed.

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

This action phrase stays

BILL

1 49.147 (3) (a) *Administration.* A Wisconsin ~~works~~ Works agency shall
2 administer a trial job program as part of its administration of the Wisconsin ~~works~~
3 Works program to improve the employability of individuals who are not otherwise
4 able to obtain unsubsidized employment, as determined by the Wisconsin ~~works~~
5 Works agency, by providing work experience and training to assist them to move
6 promptly into unsubsidized employment. In determining an appropriate placement
7 for a participant, a Wisconsin ~~works~~ Works agency shall give priority to placement
8 under this subsection over placements under subs. (4) and (5). The Wisconsin ~~works~~
9 Works agency shall pay a wage subsidy to an employer that employs a participant
10 under this subsection and agrees to make a good faith effort to retain the participant
11 as a permanent unsubsidized employee after the wage subsidy is terminated. The
12 wage subsidy may not exceed \$300 \$1,500 per month for full-time employment of a
13 participant. For less than full-time employment of a participant during a month, the
14 wage subsidy may not exceed a dollar amount determined by multiplying \$300
15 \$1,500 by a fraction, the numerator of which is the number of hours worked by the
16 participant in the month and the denominator of which is the number of hours which
17 would be required for full-time employment in that month. Any employer that
18 employs a participant under this subsection is eligible for a wage subsidy under this
19 paragraph.

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

22 49.147 (3) (a) *Administration.* A Wisconsin Works agency shall administer a
23 trial job program as part of its administration of the Wisconsin Works program to
24 improve the employability of individuals who are not otherwise able to obtain
25 unsubsidized employment, as determined by the Wisconsin Works agency, by

BILL

1 providing work experience and training to assist them to move promptly into
 2 unsubsidized employment. In determining an appropriate placement for a
 3 participant, a Wisconsin Works agency shall give priority to placement under this
 4 subsection over placements under subs. (4) and (5). The Wisconsin Works agency
 5 shall pay a wage subsidy to an employer that employs a participant under this
 6 subsection and agrees to make a good faith effort to retain the participant as a
 7 permanent unsubsidized employee after the wage subsidy is terminated. The wage
 8 subsidy may not exceed \$1,500 \$300 per month for full-time employment of a
 9 participant. For less than full-time employment of a participant during a month, the
 10 wage subsidy may not exceed a dollar amount determined by multiplying \$1,500
 11 \$300 by a fraction, the numerator of which is the number of hours worked by the
 12 participant in the month and the denominator of which is the number of hours which
 13 would be required for full-time employment in that month. ~~Any employer that~~
 14 ~~employs a participant under this subsection is eligible for a wage subsidy under this~~
 15 ~~paragraph.~~

Subpart 4 - 15

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

17 49.147 (3) (cm) *Time-limited participation.* A participant under this
 18 subsection may work in a trial job for a maximum of 1,040 hours, including education
 19 and training activities under par. (am).

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

Subpart 4 - 21

22 SECTION 7. 49.162 (3) (a) of the statutes, as created by 2009 Wisconsin Act 28,
 23 is amended to read:

24 49.162 (3) (a) The department shall provide up to 2,500 transitional jobs under
 25 the demonstration project. ~~The jobs shall be allocated among Milwaukee County,~~

BILL

1 ~~Dane County, Racine County, Kenosha County, Rock County, Brown County, and~~
2 ~~other regions of the state, as determined by the department, in the same proportion~~
3 ~~as the total number of Wisconsin Works participants are allocated among those~~
4 ~~counties and other regions as of June 30, 2009.~~

5 **SECTION 8.** 49.162 (3) (a) of the statutes, as affected by 2009 Wisconsin Act
6 (this act), is amended to read:

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8 the demonstration project. The jobs shall be allocated among Milwaukee County,
9 Dane County, Racine County, Kenosha County, Rock County, Brown County, and
10 other regions of the state, as determined by the department, in the same proportion
11 as the total number of Wisconsin Works participants are allocated among those
12 counties and other regions as of June 30, 2009.

13 **SECTION 9.** 49.162 (3) (am) of the statutes is created to read:

14 49.162 (3) (am) The demonstration project shall include all of the following
15 features and requirements:

- 16 1. The department shall pay a wage subsidy to any employer that employs a
17 individual under this section and agrees to make a good faith effort to retain the
18 individual as a permanent unsubsidized employee after the wage subsidy is
19 terminated. The wage subsidy may not exceed \$1,500 per month for full-time
20 employment of an individual. For less than full-time employment of an individual
21 during a month, the wage subsidy may not exceed a dollar amount determined by
22 multiplying \$1,500 by a fraction, the numerator of which is the number of hours
23 worked by the individual in the month and the denominator of which is the number
24 of hours which would be required for full-time employment in that month.

Insert 5-24 →

BILL

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

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

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

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

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

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

15 **SECTION 10.** 49.162 (3) (am) of the statutes, as created by 2009 Wisconsin Act
16 (this act), is repealed.

17 **SECTION 11.** 49.175 (1) (a) of the statutes, as affected by 2009 Wisconsin Act 28,
18 is amended to read:

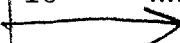
19 49.175 (1) (a) *Wisconsin Works and other benefits.* For Wisconsin Works
20 benefits, ~~\$49,139,400~~ and benefits under s. 49.162, ~~\$124,139,400~~ in fiscal year
21 2009-10 and ~~\$51,229,600~~ ^{III} ~~\$126,229,600~~ in fiscal year 2010-11.

22 **SECTION 12.** 106.14 of the statutes is renumbered 106.14 (1).

23 **SECTION 13.** 106.14 (1) of the statutes, as affected by 2009 Wisconsin Act
24 (this act), is renumbered 106.14.

25 **SECTION 14.** 106.14 (2) of the statutes is created to read:

Insert 6-16



109

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BILL

1 106.14 (2) The department shall publicize and maintain on its job center Web
2 site information related to the job programs under ss. 49.147 (3) and 49.162 so that
3 employers and individuals seeking employment may obtain information about the
4 programs, including how to participate in them.

5 **SECTION 15.** 106.14 (2) of the statutes, as created by 2009 Wisconsin Act (this
6 act), is repealed.

7 **SECTION 16. Nonstatutory provisions.**

8 (1) DETERMINE WHETHER PAYMENTS ARE MATCHING FUNDS. The department of
9 children and families shall determine whether ^{any} the amounts paid by the state toward
10 the earned income tax credit from the appropriation under section 20.835 (2) (f) of
11 the statutes and for the weatherization and low-income energy assistance programs
12 under sections 16.26 and 16.27 of the statutes from the appropriation under section
13 20.505 (3) (r) of the statutes qualify as state matching funds for federal moneys
14 received from the Temporary Assistance for Needy Families Emergency Fund under
15 the American Recovery and Reinvestment Act of 2009.

16 (2) PUBLISH NOTICE IN THE WISCONSIN ADMINISTRATIVE REGISTER. If the
17 department determines that federal moneys from the Temporary Assistance for
18 Needy Families Emergency Fund under the American Recovery and Reinvestment
19 Act of 2009 are no longer available to support an expansion of trial jobs under section
20 49.147 (3) of the statutes, as affected by this act, and the project under section 49.162
21 of the statutes, as affected by this act, the department shall publish a notice in the
22 Wisconsin Administrative Register that states the date on which the federal moneys
23 are depleted.

24 (3) REQUIRED GENERAL FUND BALANCE. Section 20.003 (4) of the statutes does not
25 apply to the action of the legislature in enacting this act.

Insert 7-25 →

BILL1 **SECTION 17. Fiscal changes.**

2 (1) In the schedule under section 20.005 (3) of the statutes for the appropriation
3 to the department of children and families under section 20.437 (2) (dz) of the
4 statutes, as affected by the acts of 2009, the dollar amount is increased by
5 \$15,000,000 for the first fiscal year of the fiscal biennium in which this subsection
6 takes effect to increase funding for the programs under sections 49.147 (3) and
7 49.162 of the statutes, as affected by this act. In the schedule under section 20.005
8 (3) of the statutes for the appropriation to the department of children and families
9 under section 20.437 (2) (dz) of the statutes, as affected by the acts of 2009, the dollar
10 amount is increased by \$15,000,000 for the second fiscal year of the fiscal biennium
11 in which this subsection takes effect to increase funding for the programs under
12 sections 49.147 (3) and 49.162 of the statutes, as affected by this act.

13 (2) In the schedule under section 20.005 (3) of the statutes for the appropriation
14 to the department of children and families under section 20.437 (2) (md) of the
15 statutes, as affected by the acts of 2009, the dollar amount is increased by
16 \$60,000,000 for the first fiscal year of the fiscal biennium in which this subsection
17 takes effect to increase funding for the programs under sections 49.147 (3) and
18 49.162 of the statutes, as affected by this act. In the schedule under section 20.005
19 (3) of the statutes for the appropriation to the department of children and families
20 under section 20.437 (2) (md) of the statutes, as affected by the acts of 2009, the dollar
21 amount is increased by \$60,000,000 for the second fiscal year of the fiscal biennium
22 in which this subsection takes effect to increase funding for the programs under
23 sections 49.147 (3) and 49.162 of the statutes, as affected by this act.

24 **SECTION 18. Effective dates.** This act takes effect on the day after publication,
25 except as follows:

BILL

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(1) The repeal of sections 49.143 (2r), 49.147 (3) (cm) ^{and (dm)} 49.162 (3) (am) ^{and (d)} and
 106.14 (2) of the statutes, the renumbering of section 106.14 (1) of the statutes, and
 the amendment of sections 49.147 (3) (a) (by SECTION ^{*}4) and 49.162 (3) (a) (by SECTION
 8) of the statutes take effect on the date stated in the notice published by the
 department of children and families under SECTION 16 (2) of this act.

✓
✓

(END)

use a.r. X
from insert 4-15

D-ute

2009-2010 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-4477/ins²
PJK:.....

INSERT A

^{not} Any employer is eligible to receive a subsidy for employing a participating individual if the individual is employed for at least 20[✓] hours per week and at a location in this state. The employer receives a wage subsidy that is equal to the wages the employer actually pays the individual, up to 40 hours per week at minimum wage. ✓

(END OF INSERT A)

INSERT B

^H The bill requires DCF to evaluate the project and its effectiveness in the six counties in which the project was initially going to ~~operate~~ ^{be conducted} and to submit a report of its evaluation to the Joint Committee on Finance (JCF) and to the appropriate standing committees of the legislature by June 30, 2011. DCF is also required to submit quarterly reports to JCF outlining its progress in implementing the expansion of the program and ~~the project and~~ identifying the employers participating in each. In addition, DCF must take any action necessary to obtain any additional federal funding that becomes available for the program and the project.

(END OF INSERT B)

INSERT 4-15

103

1 49.147 (3) (a) *Administration.* A Wisconsin works Works agency shall
2 administer a trial job program as part of its administration of the Wisconsin works
3 Works program to improve the employability of individuals who are not otherwise
4 able to obtain unsubsidized employment, as determined by the Wisconsin works
5 Works agency, by providing work experience and training to assist them to move
6 promptly into unsubsidized employment. In determining an appropriate placement
7 for a participant, a Wisconsin works Works agency shall give priority to placement
8 under this subsection over placements under subs. (4) and (5). The Wisconsin works
9 Works agency shall pay a wage subsidy to an any employer that employs a
10 participant under this subsection for a minimum of 20 hours per week at a location
11 in this state and that agrees to make a good faith effort to retain the participant as

Ins 4-15 2013

1 a permanent unsubsidized employee after the wage subsidy is terminated. The wage
 2 subsidy ~~may not exceed \$300 per month for full-time employment of a participant.~~
 3 ~~For less than full-time employment of a participant during a month, the wage~~
 4 ~~subsidy may not exceed a dollar amount determined by multiplying \$300 by a~~
 5 ~~fraction, the numerator of which is the number of hours worked by the participant~~
 6 ~~in the month and the denominator of which is the number of hours which would be~~
 7 ~~required for full-time employment in that month~~ shall equal the amount of wages
 8 that the employer actually pays the participant, up to 40 hours per week at minimum
 9 wage.

create a.r. X

History: 1995 a. 289; 1997 a. 27; 1999 a. 9; 2001 a. 16; 2003 a. 33; 2005 a. 25; 2007 a. 20; 2009 a. 28.

SECTION 1. 49.147 (3) (a) of the statutes, as affected by 2009 Wisconsin Act

(this act), is amended to read:

12 49.147 (3) (a) *Administration.* A Wisconsin Works agency shall administer a
 13 trial job program as part of its administration of the Wisconsin Works program to
 14 improve the employability of individuals who are not otherwise able to obtain
 15 unsubsidized employment, as determined by the Wisconsin Works agency, by
 16 providing work experience and training to assist them to move promptly into
 17 unsubsidized employment. In determining an appropriate placement for a
 18 participant, a Wisconsin Works agency shall give priority to placement under this
 19 subsection over placements under subs. (4) and (5). The Wisconsin Works agency
 20 shall pay a wage subsidy to ~~any~~ an employer that employs a participant under this
 21 subsection ~~for a minimum of 20 hours per week at a location in this state and that~~
 22 ~~agrees to make a good faith effort to retain the participant as a permanent~~
 23 ~~unsubsidized employee after the wage subsidy is terminated. The wage subsidy~~
 24 ~~shall equal the amount of wages that the employer actually pays the participant, up~~

ins 4-15

383

1 to 40 hours per week at minimum wage may not exceed \$300 per month for full-time
 2 employment of a participant. For less than full-time employment of a participant
 3 during a month, the wage subsidy may not exceed a dollar amount determined by
 4 multiplying \$300 by a fraction, the numerator of which is the number of hours
 5 worked by the participant in the month and the denominator of which is the number
 6 of hours that would be required for full-time employment in that month.

(END OF INSERT 4-15)

INSERT 4-21

^ * ✓

7 SECTION 2. 49.147 (3) (dm) of the statutes is created to read:

8 49.147 (3) (dm) *Report on progress.* Within 30 days after the end of each
 9 calendar quarter, the department shall submit a report to the joint committee on
 10 finance that outlines the department's progress in implementing the temporary
 11 expansion of the trial job program under this subsection and that identifies the
 12 employers participating in the program under this subsection. The report under this
 13 paragraph may be combined with the report under s. 49.162 (3) (d). ✓ ✓

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

(END OF INSERT 4-21)

INSERT 5-24

122

16

17

1. The department shall pay a wage subsidy to any employer that employs ^{an} individual under this section for a minimum of 20 hours per week at a location in this

Ins 5-24 202

1 state. The wage subsidy shall equal the amount of wages that the employer actually
2 pays the individual, up to 40 hours per week at minimum wage.

(END OF INSERT 5-24)

INSERT 6-16

^

*

3 SECTION 4. 49.162 (3) (d) of the statutes is created to read:

4 49.162 (3) (d) Within 30 days after the end of each calendar quarter, the
5 department shall submit a report to the joint committee on finance that outlines the
6 department's progress in implementing the demonstration project as described in
7 par. (am) and that identifies the employers participating in the demonstration
8 project. The report under this paragraph may be combined with the report under s.
9 49.147 (3) (dm).

10 2. Evaluate the demonstration project under this section and its effectiveness
11 in Milwaukee County, Dane County, Racine County, Kenosha County, Rock County,
12 Brown County, and other regions of the state, as determined by the department, and
13 no later than June 30, 2011, submit a report of its evaluation to the joint committee
14 on finance and to the appropriate standing committees of the legislature under s.
15 13.172 (3).

16 SECTION 5. 49.162 (3) (d) of the statutes, as created by 2009 Wisconsin Act
17 (this act), is repealed.

(END OF INSERT 6-16)

INSERT 7-25

172

#

18 (0) EVALUATION OF TRANSITIONAL JOBS PROJECT. The department of children and
19 families shall evaluate the demonstration project under section 49.162 of the
20 statutes, as affected by this act, and its effectiveness in Milwaukee County, Dane

ins 7-25 2012

1 County, Racine County, Kenosha County, Rock County, Brown County, and other
2 regions of the state, as determined by the department, and no later than June 30,
3 2011, submit a report of its evaluation to the joint committee on finance and to the
4 appropriate standing committees of the legislature in the manner provided under
5 section 13.172 (3) of the statutes. ✓

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

(END OF INSERT 7-25)

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

LRB-4477/f²dn

PJK:/:....

js

→ date ←

You wanted to make sure that a number of different types of entities could participate as employers in the programs. There is no limit on the type of employer that may participate in either the trial jobs or transitional jobs program. The only limits are that the participants must be employed for at least 20 hours per week and in this state.

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

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

LRB-4477/2dn
PJK:cjs:ph

March 23, 2010

You wanted to make sure that a number of different types of entities could participate as employers in the programs. There is no limit on the type of employer that may participate in either the trial jobs or transitional jobs program. The only limits are that the participants must be employed for at least 20 hours per week and in this state.

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

Parisi, Lori

From: Benish, Kevin
Sent: Tuesday, March 23, 2010 4:20 PM
To: LRB.Legal
Subject: Draft Review: LRB 09-4477/2 Topic: Expand trial and transitional jobs under W-2

Please Jacket LRB 09-4477/2 for the ASSEMBLY.