

2015 DRAFTING REQUEST

Bill

Received: **9/10/2014** Received By: **pkahler**
Wanted: **As time permits** Same as LRB:
For: **Administration-Budget** By/Representing: **Major**
May Contact: Drafter: **pkahler**
Subject: **Public Assistance - Wis works** Addl. Drafters:
Extra Copies:

Submit via email: **YES**
Requester's email:
Carbon copy (CC) to: **Elisabeth.Shea@legis.wisconsin.gov**
sbostatlanguage@webapps.wi.gov

Pre Topic:

DOA:.....Major, BB0060 -

Topic:

Modifications to W-2 sanctions for refusal to participate

Instructions:

See attached

Drafting History:

| <u>Vers.</u> | <u>Drafted</u> | <u>Reviewed</u> | <u>Typed</u> | <u>Proofed</u> | <u>Submitted</u> | <u>Jacketed</u> | <u>Required</u> |
|--------------|----------------------|-----------------------|-----------------------|----------------|-----------------------|-----------------|-----------------|
| /? | pkahler 9/11/2014 | wjackson 9/11/2014 | | _____ | | | |
| /P1 | pkahler 9/30/2014 | | rschluet 9/12/2014 | _____ | sbasford 9/12/2014 | | |
| /1 | pkahler 1/27/2015 | wjackson 10/3/2014 | jfrantze 10/3/2014 | _____ | srose 10/3/2014 | | State |

| <u>Vers.</u> | <u>Drafted</u> | <u>Reviewed</u> | <u>Typed</u> | <u>Proofed</u> | <u>Submitted</u> | <u>Jacketed</u> | <u>Required</u> |
|--------------|----------------|--------------------|----------------------|----------------|-----------------------|-----------------|-----------------|
| /2 | | jdyer 1/27/2015 | jmurphy 1/27/2015 | _____ | sbasford 1/27/2015 | | State |

FE Sent For:

<END>

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| /P1 | pkahler 9/30/2014 | <i>2 1/27 jld</i> wjackson 10/3/2014 | rschluet 9/12/2014 | _____ | sbasford 9/12/2014 | | |
| /1 | | wjackson 10/3/2014 | jfrantze 10/3/2014 | _____ | srose 10/3/2014 | | State |

jm 1/27 *jm 1/27*

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|--------------|----------------------|-----------------------|-----------------------|----------------|-----------------------|-----------------|-----------------|
| /? | pkahler 9/11/2014 | wjackson 9/11/2014 | | _____ | | | |
| /P1 | pkahler | 1 WJ 10/3 | rschluet 9/12/2014 | _____ | sbasford 9/12/2014 | | |

JB 10/3

FE Sent For:

<END>

Kahler, Pam

From: Malaise, Gordon
Sent: Thursday, September 25, 2014 1:26 PM
To: Kahler, Pam
Cc: Hanaman, Cathlene; Shea, Elisabeth; Major, Katrina L - DOA
Subject: FW: Statutory Language Drafting Request - BB0060

Again, no attachment.

From: Hanaman, Cathlene
Sent: Thursday, September 25, 2014 12:24 PM
To: Malaise, Gordon; Shea, Elisabeth
Subject: FW: Statutory Language Drafting Request - BB0060

From: katrina.major@wisconsin.gov [mailto:katrina.major@wisconsin.gov]
Sent: Thursday, September 25, 2014 12:21 PM
To: Hanaman, Cathlene
Cc: Kraus, Jennifer - DOA; Major, Katrina L - DOA; Connor, Christopher B - DOA
Subject: Statutory Language Drafting Request - BB0060

Biennial Budget: 2015-17

DOA Tracking Code: BB0060

Topic: W-2 sanctions, refusal to participate 0131

SBO Team: GGCF

SBO Analyst: Major, Katrina L - DOA
Phone: 608-266-2288
E-mail: katrina.major@wisconsin.gov

Agency Acronym: DCF

Agency Number: 437

Priority: Medium

Intent:

As requested by DCF. Again, let me know if you need the detail from DCF. Thank!

Attachments: False

Please send completed drafts to SBOSatlanguage@webapps.wi.gov

2015 DRAFTING REQUEST

Bill

Received: **9/10/2014** Received By: **pkahler**
Wanted: **As time permits** Same as LRB:
For: **Children and Families** By/Representing: **Kim Swissdorf**
May Contact: Drafter: **pkahler**
Subject: **Public Assistance - Wis works** Addl. Drafters:
Extra Copies:

Submit via email: **YES**
Requester's email: **KimM.Swissdorf@wisconsin.gov**
Carbon copy (CC) to: **Elisabeth.Shea@legis.wisconsin.gov**

Pre Topic:

No specific pre topic given

Topic:

Modifications to sanctions for refusal to participate

Instructions:

See attached

Drafting History:

| <u>Vers.</u> | <u>Drafted</u> | <u>Reviewed</u> | <u>Typed</u> | <u>Proofed</u> | <u>Submitted</u> | <u>Jacketed</u> | <u>Required</u> |
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| /? | pkahler 9/11/2014 | wjackson 9/11/2014 | | _____ | | | |
| /P1 | | | rschluet 9/12/2014 | _____ | sbasford 9/12/2014 | | |

FE Sent For:

<END>

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Subject: **Public Assistance - Wis works** Addl. Drafters:
Extra Copies:

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No specific pre topic given

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|--------------|----------------|-----------------|--------------|----------------|------------------|-----------------|-----------------|
|--------------|----------------|-----------------|--------------|----------------|------------------|-----------------|-----------------|

/? pkahler

pl wly 9/11



==

FE Sent For:

<END>

Kahler, Pam

From: Swissdorf, Kim M - DCF <KimM.Swissdorf@wisconsin.gov>
Sent: Tuesday, September 09, 2014 1:36 PM
To: Kahler, Pam
Subject: Draft 4560/P1

Pam—

You had several questions in the drafter's note on this one. See below and let me know if you still have questions. Thanks much!

1. *Is it okay to amend the paragraph above in the manner shown and not split it into two paragraphs? (Page 2 of draft)*

While we would prefer the paragraph be split into two paragraphs, not splitting them is not inaccurate. However, if the drafter does not split the paragraphs as we proposed, it must be written in a way that makes it clear that an individual may have good cause for failing to appear for an assigned activity. As it is currently drafted, some may incorrectly interpret the good cause statement as only applying to failing to appear for an interview with a prospective employer.

2. *Since the definition of "employment" includes "assigned work experience activity," should "assigned activity" above be changed to "assigned work experience activity?" On the other hand, perhaps there is a distinction between "assigned activity" and "assigned work experience activity." This could be a source of confusion.*

In order to avoid confusion, we propose the following changes:

Proposed Change #1 to Drafter's Version (in red):

(b) The participant, or an individual who is in the participant's Wisconsin Works group and who is subject to the work requirement under s. 49.15 (2), fails, without good cause, as determined by the Wisconsin Works agency, to appear for an interview with a prospective employer or, ~~if the participant is in a Wisconsin Works transitional placement, the participant fails to appear for an assigned activity as defined under 42 USC 607(d) or any activity assigned by the Wisconsin Works agency and is subject to s. 49.148(1)(b)1. or (c), including an activity under s. 49.147 (5) (b) 1. a. to d., without good cause, as determined by the Wisconsin Works agency.~~

Reason for Change #1: The changes proposed above incorporate the federal definition of "work activity." While this is appropriate, not all activities assigned to W-2 participants meet the federal definition of a work activity. Therefore, the language proposed above broadens the definition to also include other non-federally recognized W-2 activities that are sanctionable by payment reductions under W-2.

Proposed Change #2 to Drafter's Version (in red):

"Employment" means unsubsidized employment, subsidized employment, or an ~~assigned work experience site activity.~~

Reason for Change #2: Both Community Service Job (CSJ) and W-2 Transitions (W-2 T) participants may be assigned to work experience activities at a work experience site. Work experience sites include public, private non-profit and private for-profit employers, but it is not unsubsidized or subsidized employment. For the

purposes of this statute, failing to appear for an interview at a work experience site or being discharged for cause from a work experience site should demonstrate a refusal to participate.

✓ **3. The drafter was confused by the explanation in the drafting instructions [see attached highlighted language].**

The conflict was created by solely referencing s. 49.147(5)(b)(1) [W-2 Transition] in the old s. 49.11(1)(a). By solely referencing activities assigned to W-2 Transition participants, it did not include other W-2 participants that failed to appear for assigned activities. The conflict is resolved by removing the reference to 49.147(5)(b)(1) in the new s. 49.151(1m)(a), which then opens the provision up to include any W-2 participants that fail to appear for assigned activities rather than just W-2 Transition participants.

✓ **4. Would the participant be subject to a pay reduction and also be ineligible to participate for three months?**

Yes, participants subject to payment reductions may also be ineligible to participate for three months. For example, you may have a participant who is assigned to a work experience site for 30 hours per week. The participant then fails to appear for two weeks. The W-2 agency would reduce the participant's payment by \$5.00 an hour for every hour of activity missed and could also find the individual ineligible for three months for failing to appear for an assigned activity.

(no conflict after all)

Kim Swissdorf
Budget and Policy Manager
Department of Children and Families

201 East Washington Avenue
Madison, WI 53703

T: (608) 261-0616
E: KimM.Swissdorf@wisconsin.gov

NOTICE: This E-mail and any attachments may contain confidential information. Use and further disclosure of the information by the recipient must be consistent with applicable laws, regulations and agreements. If you received this E-mail in error, please notify the sender; delete the E-mail; and do not use, disclose or store the information it contains.

"RESEARCH APPENDIX"

... *Drafting History Reproduction Request Form* ...

 **DRAFTING ATTORNEYS: PLEASE COMPLETE THIS FORM AND GIVE TO MIKE BARMAN**

(Request Made By: PJK) (Date: 9/10/14)

Note:

BOTH DRAFTS SHOULD HAVE THE SAME "REQUESTOR"

(exception: companion bills)



Please transfer the drafting file for
2013 LRB 4560 (For: Rep./Sen. DCF)
to the drafting file for
2015 LRB 0131 (For: Rep./Sen. DCF)

----- **OR** -----

Please copy the drafting file for
2015 LRB _____ / _____ (include the version) (For: Rep./Sen. _____)
and place it in the drafting file for
2015 LRB _____ (For: Rep./Sen. _____)

 Are These "Companion Bills" ?? ... Yes No

If yes, who in the initial requestor's office authorized the copy/transfer of the drafting history ("guts") from the original file:



State of Wisconsin
2013 - 2014 LEGISLATURE

2015 - 2016



LRB-4560/P1
PJK:kjf:rs

0131/P1

vm not run

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

by Fri. a.m., please
(in 9-11)
Regenerate
↓

1 AN ACT *to repeal* 49.151 (1) (a); *to renumber* 49.151 (1) (intro.); *to renumber*
2 *and amend* 49.151 (1) (b), 49.151 (1) (c), 49.151 (1) (d) and 49.151 (1) (e); *to*
3 *amend* 49.1515 (1); and *to create* 49.151 (1c) of the statutes; **relating to:**
4 sanctions for refusing to participate in a Wisconsin Works employment
5 position.

Analysis by the Legislative Reference Bureau

This is a preliminary draft. An analysis will be provided in a subsequent version of this draft.

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

6 SECTION 1. 49.151 (1) (intro.) of the statutes is renumbered 49.151 (1m) (intro.).

7 SECTION 2. 49.151 (1) (a) of the statutes is repealed.

8 SECTION 3. 49.151 (1) (b) of the statutes is renumbered 49.151 (1m) (a) and
9 amended to read:

Intro.

1 49.151 (1m) (a) ^(intro.) The participant, or an individual who is in the participant's
 2 Wisconsin Works group and who is subject to the work requirement under s. 49.15
 3 (2), fails, without good cause, as determined by the Wisconsin Works agency, to
 4 ~~appear~~ for an interview with a prospective employer ^{↓ strike} or, if the participant is in a
 5 ~~Wisconsin Works transitional placement, the participant fails to appear~~ ^{strike ↓} for an
 6 assigned activity, ~~including an activity under s. 49.147 (5) (b) 1. a. to d.,~~ without good
 7 cause, as determined by the Wisconsin Works agency.

Insert 2-7

****NOTE: Is it okay to amend the paragraph above in the manner shown and not split it into two paragraphs?

****NOTE: Since the definition of "employment" includes "assigned work experience activity," should "assigned activity" above be changed to "assigned work experience activity"? On the other hand, perhaps there is a distinction between "assigned activity" and "assigned work experience activity." This could be a source of confusion.

do not delete the following: ~~appear~~

8 SECTION 4. 49.151 (1) (c) of the statutes is renumbered 49.151 (1m) (b) and
9 amended to read:

10 49.151 (1m) (b) The participant, or an individual who is in the participant's
11 Wisconsin ~~works~~ Works group and who is subject to the work requirement under s.
12 49.15 (2), voluntarily leaves appropriate employment or training without good cause,
13 as determined by the Wisconsin ~~works~~ Works agency.

Insert 2-13

14 SECTION 5. 49.151 (1) (d) of the statutes is renumbered 49.151 (1m) (c) and
15 amended to read:

16 49.151 (1m) (c) The participant, or an individual who is in the participant's
17 Wisconsin ~~works~~ Works group and who is subject to the work requirement under s.
18 49.15 (2), loses appropriate employment as a result of being discharged for cause.

Insert 2-18

19 SECTION 6. 49.151 (1) (e) of the statutes is renumbered 49.151 (1m) (d) ^{→ e} and
20 amended to read:

2015-2016 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0131/?ins
PJK:.....

INSERT 2-7

1 **SECTION 1.** 49.151 (1) (b) of the statutes is renumbered 49.151 (1m) (a) (intro.)
2 and amended to read:

3 49.151 (1m) (a) (intro.) The participant, or an individual who is in the
4 participant's Wisconsin Works group and who is subject to the work requirement
5 under s. 49.15 (2), fails, without good cause, as determined by the Wisconsin Works
6 agency, to appear do any of the following:

7 1. Appear for an interview with a prospective employer ~~or, if the participant is~~
8 ~~in a Wisconsin Works transitional placement, the participant fails to appear.~~

9 2. Appear for an assigned work activity, including an activity under s. 49.147
10 (5) (b) 1. a. to d., without good cause, as determined as defined in 42 USC 607 (d), or
11 for an activity assigned by the Wisconsin Works agency.

History: 1995 a. 289; 1997 a. 27; 2009 a. 28; 2011 a. 32, 202.

****NOTE: I did not limit any of the above failures to appear to any particular employment position(s). A particular type of failure to appear may be limited effectively, however. For example, if only community service and transitional placement participants have activities assigned by a W-2 agency, a failure to appear for an activity assigned by a W-2 agency would be limited to those participants.

****NOTE: Since "employer" is defined to include a work experience provider, failure to appear for an interview with a prospective employer includes a failure to appear for an interview with a prospective work experience provider. If this does not accomplish your purpose, however, I could specifically add failure to appear for an interview *at a work experience site*.

(END OF INSERT 2-7)

INSERT 2-13

****NOTE: Because I did not change the definition of "employment" to include "a work experience site" (see the NOTE after the definition of "employment"), do you need a separate provision regarding voluntarily leaving a *work experience site* without good cause?

(END OF INSERT 2-13)

INSERT 2-18



Ins. 2-18

****NOTE: Because of the way that "employment" is defined, the above provision would read better if it were amended to say "the participant ... is discharged from appropriate employment for cause." (You don't really *lose* an activity, but you can be discharged from one.) Do you want me to make the suggested change?

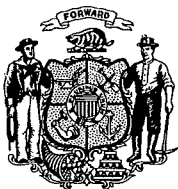
(END OF INSERT 2-18)

INSERT 3-11

****NOTE: I can't define "employment" to include a "site." "Employment" is a way in which a person occupies his or her time, a "site" is a place. A separate provision addressing this, as I have provided below, is a better option.

- 1 **SECTION 2.** 49.151 (1m) (d) of the statutes is created to read:
- 2 49.151 (1m) (d) The participant, or an individual who is in the participant's
- 3 Wisconsin Works group and who is subject to the work requirement under s. 49.15
- 4 (2), is discharged from a work experience site for cause.

(END OF INSERT 3-11)



State of Wisconsin
2015 - 2016 LEGISLATURE



LRB-0131/P1

PJK:wlj:rs

stays
r mis num

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

D-vote
(in 9-30)

do not
get cut

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2 *and amend* 49.151 (1) (b), 49.151 (1) (c), 49.151 (1) (d) and 49.151 (1) (e); *to*
3 *amend* 49.1515 (1); and *to create* 49.151 (1c) and 49.151 (1m) (d) of the
4 statutes; **relating to:** sanctions for refusing to participate in a Wisconsin
5 Works employment position the budget

Analysis by the Legislative Reference Bureau

insert
AL →

This is a preliminary draft. An analysis will be provided in a subsequent version of this draft.

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

- 6 SECTION 1. 49.151 (1) (intro.) of the statutes is renumbered 49.151 (1m) (intro.).
- 7 SECTION 2. 49.151 (1) (a) of the statutes is repealed.
- 8 SECTION 3. 49.151 (1) (b) of the statutes is renumbered 49.151 (1m) (a) (intro.)
- 9 and amended to read:

1 49.151 (1m) (a) (intro.) The participant, or an individual who is in the
2 participant's Wisconsin Works group and who is subject to the work requirement
3 under s. 49.15 (2), fails, without good cause, as determined by the Wisconsin Works
4 agency, to appear do any of the following:

5 1. Appear for an interview with a prospective employer ~~or, if the participant is~~
6 ~~in a Wisconsin Works transitional placement, the participant fails to appear.~~

7 2. Appear for an assigned work activity, ~~including an activity under s. 49.147~~
8 ~~(5) (b) 1. a. to d., without good cause, as determined as defined in 42 USC 607 (d), or~~
9 for an activity assigned by the Wisconsin Works agency.

****NOTE: I did not limit any of the above failures to appear to any particular employment position(s). A particular type of failure to appear may be limited effectively, however. For example, if only community service and transitional placement participants have activities assigned by a W-2 agency, a failure to appear for an activity assigned by a W-2 agency would be limited to those participants.

****NOTE: Since "employer" is defined to include a work experience provider, failure to appear for an interview with a prospective employer includes a failure to appear for an interview with a prospective work experience provider. If this does not accomplish your purpose, however, I could specifically add failure to appear for an interview *at a work experience site*.

10 SECTION 4. 49.151 (1) (c) of the statutes is renumbered 49.151 (1m) (b) and
11 amended to read:

12 49.151 (1m) (b) The participant, or an individual who is in the participant's
13 Wisconsin ~~works~~ Works group and who is subject to the work requirement under s.
14 49.15 (2), voluntarily leaves appropriate employment or training without good cause,
15 as determined by the Wisconsin ~~works~~ Works agency.

****NOTE: Because I did not change the definition of "employment" to include "a work experience site" (see the NOTE after the definition of "employment"), do you need a separate provision regarding voluntarily leaving *a work experience site* without good cause?

16 SECTION 5. 49.151 (1) (d) of the statutes is renumbered 49.151 (1m) (c) and
17 amended to read:

is discharged from

1 49.151 **(1m)** (c) The participant, or an individual who is in the participant's
 2 Wisconsin ~~works~~ Works group and who is subject to the work requirement under s.
 3 49.15 (2), ~~loses~~ appropriate employment as a result of being discharged for cause.

****NOTE: Because of the way that "employment" is defined, the above provision would read better if it were amended to say "the participant ... is discharged from appropriate employment for cause." (You don't really *lose* an activity, but you can be discharged from one.) Do you want me to make the suggested change? *D-note*

4 **SECTION 6.** 49.151 (1) (e) of the statutes is renumbered 49.151 (1m) (e) and
 5 amended to read:

6 49.151 **(1m)** (e) The participant, or an individual who is in the participant's
 7 Wisconsin ~~works~~ Works group and who is subject to the work requirement under s.
 8 49.15 (2), demonstrates through other behavior or action, as specified by the
 9 department by rule, that he or she refuses to participate in a Wisconsin ~~works~~ Works
 10 employment position.

11 **SECTION 7.** 49.151 (1c) of the statutes is created to read:

12 49.151 **(1c)** DEFINITIONS. In this section:
 13 (a) "Employer" means a subsidized or unsubsidized employer or a work
 14 experience provider.
 15 (b) "Employment" means subsidized or unsubsidized employment or an
 16 assigned work experience activity.

****NOTE: I can't define "employment" to include a "site." "Employment" is a way in which a person occupies his or her time, a "site" is a place. A separate provision addressing this, as I have provided below, is a better option.

17 **SECTION 8.** 49.151 (1m) (d) of the statutes is created to read:

18 49.151 **(1m)** (d) The participant, or an individual who is in the participant's
 19 Wisconsin Works group and who is subject to the work requirement under s. 49.15
 20 (2), is discharged from a work experience site for cause.

21 **SECTION 9.** 49.1515 (1) of the statutes is amended to read:

2015-2016 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0131/lins
PJK:.....

r m is n

INSERT A

HEALTH AND HUMAN SERVICES ✓

WISCONSIN WORKS ✓

The Wisconsin Works (W-2) program under current law provides, among other things, work experience and monetary benefits for low-income custodial parents who are at least 18 years old. W-2 provides work experience to participants through placement, depending on a participant's skills, training, and experience, in one of a number of different employment positions, including trial employment match program jobs, community service jobs, and transitional placements. Current law provides that a participant who refuses to participate in any employment position is ineligible to participate in W-2 for three months. This bill makes the following changes to the behaviors that constitute refusal to participate:

1. Currently, it is a refusal to participate if a participant expresses verbally or in writing that he or she refuses to participate. The bill removes this behavior as an option for demonstrating a refusal to participate.

2. Currently, it is a refusal to participate if a participant fails, without good cause, to appear for an interview with a prospective employer or if a participant in a transitional placement fails, without good cause, to appear for an assigned activity. The bill broadens the definition of "employer" to include a subsidized or unsubsidized employer or a work experience provider and makes it a refusal to participate to fail, without good cause, to appear for an interview with a prospective employer, including a work experience provider, for an assigned work activity, as defined under applicable federal law, or for an activity assigned by a W-2 agency.

3. Currently, it is a refusal to participate if a participant voluntarily leaves appropriate employment or training without good cause. The bill broadens the definition of "employment" to include subsidized or unsubsidized employment or an assigned work experience activity so that it is a refusal to participate if a participant leaves, without good cause, appropriate employment or training or an appropriate assigned work experience activity.

4. Currently, it is a refusal to participate if a participant loses employment as a result of being discharged for cause. The bill makes it a refusal to participate if a participant is discharged from appropriate employment for cause or from a work experience site for cause.

(END OF INSERT A)

FE-S

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

LRB-0131/dn
PJK:.....

WJ
I must run

Date

Let me know if you want to add any other ways to demonstrate a refusal to participate, in case something falls through the cracks with the new definitions. For example, it is a refusal to participate if a participant voluntarily leaves appropriate employment or training without good cause. I could add voluntarily leaving a work experience *site* without good cause if that does not fit under leaving appropriate employment or training.

Although it makes sense to say that a person loses appropriate employment, I don't think it makes sense to say that a person loses an appropriate "assigned work experience activity," which is now included in the definition of "employment." Is the way in which I've reworded s. 49.151 (1m) (c), as renumbered and amended, okay, or do you think it changes the meaning?

stats.

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-0131/1dn
PJK:wlj:jf

October 3, 2014

Let me know if you want to add any other ways to demonstrate a refusal to participate, in case something falls through the cracks with the new definitions. For example, it is a refusal to participate if a participant voluntarily leaves appropriate employment or training without good cause. I could add voluntarily leaving a work experience *site* without good cause if that does not fit under leaving appropriate employment or training.

Although it makes sense to say that a person loses appropriate employment, I don't think it makes sense to say that a person loses an appropriate "assigned work experience activity," which is now included in the definition of "employment." Is the way in which I've reworded s. 49.151 (1m) (c), stats., as renumbered and amended, okay, or do you think it changes the meaning?

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

Kahler, Pam

From: Major, Katrina L - DOA <Katrina.Major@wisconsin.gov>
Sent: Monday, January 26, 2015 4:14 PM
To: Kahler, Pam
Cc: Kraus, Jennifer - DOA; Swissdorf, Kim M - DCF
Subject: 0131/1

Hi Pam, I realized I never sent this one over to DCF, but should have, so would you please be able to make a couple changes identified in their response? Thanks

- ✓ 1. We agree with the drafter's recommendation to add "voluntarily leaving a work experience *site* without good cause," because it does not necessarily fit under leaving appropriate employment or training.
- ✓ 2. In response to the drafter's question on rewording s. 49.151(1m)(c), stats., we don't think it changes the meaning.
- ✓ 3. Finally, this may have been an oversight, but we believe that Section 5 should include the underlined language ". . . is discharged from appropriate employment or training for cause." It was probably an oversight on our part not to include that originally.



State of Wisconsin
2015 - 2016 LEGISLATURE



LRB-0131/1
PJK:wlijj

TUES A.M.

2
Ejld

DOA:.....Major, BB0060 - Modifications to W-2 sanctions for refusal to participate

FOR 2015-2017 BUDGET -- NOT READY FOR INTRODUCTION

Push on (w/ 1-27)

4
do not gen
1 AN ACT ...; relating to: the budget. ✓

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

WISCONSIN WORKS

The Wisconsin Works (W-2) program under current law provides, among other things, work experience and monetary benefits for low-income custodial parents who are at least 18 years old. W-2 provides work experience to participants through placement, depending on a participant's skills, training, and experience, in one of a number of different employment positions, including Trial Employment Match Program jobs, community service jobs, and transitional placements. Current law provides that a participant who refuses to participate in any employment position is ineligible to participate in W-2 for three months. This bill makes the following changes to the behaviors that constitute refusal to participate:

1. Currently, it is a refusal to participate if a participant expresses verbally or in writing that he or she refuses to participate. The bill removes this behavior as an option for demonstrating a refusal to participate.

2. Currently, it is a refusal to participate if a participant fails, without good cause, to appear for an interview with a prospective employer or if a participant in a transitional placement fails, without good cause, to appear for an assigned activity. The bill broadens the definition of "employer" to include a subsidized or unsubsidized

employer or a work experience provider and makes it a refusal to participate to fail, without good cause, to appear for an interview with a prospective employer, including a work experience provider, for an assigned work activity, as defined under applicable federal law, or for an activity assigned by a W-2 agency.

3. Currently, it is a refusal to participate if a participant voluntarily leaves appropriate employment or training without good cause. The bill broadens the definition of "employment" to include subsidized or unsubsidized employment or an assigned work experience activity *so that it is* a refusal to participate if a participant leaves, without good cause, appropriate employment or training or an appropriate assigned work experience activity *or a work experience site*.

4. Currently, it is a refusal to participate if a participant loses employment as a result of being discharged for cause. The bill makes it a refusal to participate if a participant is discharged from appropriate employment *for cause or from a work experience site for cause.*

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

✓ and makes

or training ✓

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

1 SECTION 1. 49.151 (1) (intro.) of the statutes is renumbered 49.151 (1m) (intro.).

2 SECTION 2. 49.151 (1) (a) of the statutes is repealed.

3 SECTION 3. 49.151 (1) (b) of the statutes is renumbered 49.151 (1m) (a) (intro.)

4 and amended to read:

5 49.151 (1m) (a) (intro.) The participant, or an individual who is in the
6 participant's Wisconsin Works group and who is subject to the work requirement
7 under s. 49.15 (2), fails, without good cause, as determined by the Wisconsin Works
8 agency, to appear do any of the following:

9 1. Appear for an interview with a prospective employer ~~or, if the participant is~~
10 ~~in a Wisconsin Works transitional placement, the participant fails to appear.~~

11 2. Appear for an assigned work activity, including an activity under s. 49.147
12 (5) (b) 1. a. to d., without good cause, as determined as defined in 42 USC 607 (d), or
13 for an activity assigned by the Wisconsin Works agency.

1 SECTION 4. 49.151 (1) (c) of the statutes is renumbered 49.151 (1m) (b) and
2 amended to read:

3 49.151 (1m) (b) The participant, or an individual who is in the participant's
4 Wisconsin ~~works~~ Works group and who is subject to the work requirement under s.
5 49.15 (2), voluntarily leaves appropriate employment or training without good cause,
6 as determined by the Wisconsin ~~works~~ Works agency.

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8 amended to read:

9 49.151 (1m) (d) The participant, or an individual who is in the participant's
10 Wisconsin ~~works~~ Works group and who is subject to the work requirement under s.
11 49.15 (2), ~~loses is discharged from appropriate employment as a result of being~~
12 discharged for cause. *or training*

13 SECTION 6. 49.151 (1) (e) of the statutes is renumbered 49.151 (1m) (e) and
14 amended to read:

15 49.151 (1m) (e) The participant, or an individual who is in the participant's
16 Wisconsin ~~works~~ Works group and who is subject to the work requirement under s.
17 49.15 (2), demonstrates through other behavior or action, as specified by the
18 department by rule, that he or she refuses to participate in a Wisconsin ~~works~~ Works
19 employment position.

20 SECTION 7. 49.151 (1c) of the statutes is created to read:

21 49.151 (1c) DEFINITIONS. In this section:

22 (a) "Employer" means a subsidized or unsubsidized employer or a work
23 experience provider.

24 (b) "Employment" means subsidized or unsubsidized employment or an
25 assigned work experience activity.

✓
Insert 3-25 →

1

SECTION 8. 49.151 (1m) ~~(c)~~ of the statutes is created to read:

2

49.151 (1m) ~~(a)~~ The participant, or an individual who is in the participant's
3 Wisconsin Works group and who is subject to the work requirement under s. 49.15
4 (2), is discharged from a work experience site for cause.

5

SECTION 9. 49.1515 (1) of the statutes is amended to read:

6

49.1515 (1) GUIDELINES BY RULE. The department shall by rule specify
7 guidelines for determining when a participant, or individual in the participant's
8 Wisconsin Works group, who engages in a behavior specified in s. 49.151 ~~(1)~~ (1m) (a),
9 (b), (c), (d), ~~or~~ (e) is demonstrating a refusal to participate.

10

(END)

Handwritten notes: An arrow points from the word "or" in line 9 to the text "score" below. Another arrow points from the word "e" in line 1 to the text "(f)" below. The text "(f)" is underlined and has a checkmark to its right.

2015-2016 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0131/2ins
PJK:.....

INSERT 3-25

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3 Wisconsin Works group and who is subject to the work requirement under s. 49.15
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5 the Wisconsin Works agency.

(END OF INSERT 3-25)



State of Wisconsin
2015 - 2016 LEGISLATURE

LRB-0131/2
PJK:wlj&jld:jm

DOA:.....Major, BB0060 – Modifications to W-2 sanctions for refusal to participate

FOR 2015-2017 BUDGET -- NOT READY FOR INTRODUCTION

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15

(END)