



State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

Appendix A

LRB BILL HISTORY RESEARCH APPENDIX

 The drafting file for

2013 LRB-4560/P1 (For: DCF)


has been transferred to the drafting file for

2015 LRB-0131 (For: DCF)



RESEARCH APPENDIX -
PLEASE KEEP WITH THE DRAFTING FILE

Date Transfer Requested: 09/10/2014 (Per: PJK)

 The attached draft was incorporated into the new draft listed above. For research purposes the attached materials were added, as a appendix, to the new drafting file. If introduced this section will be scanned and added, as a separate appendix, to the electronic drafting file folder.

2013 DRAFTING REQUEST

Bill

Received: **8/25/2014** 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>
/?	pkahler 8/26/2014	kfollett 9/2/2014	rschluet 9/3/2014	_____			
/P1				_____	sbasford 9/3/2014		

FE Sent For:

<END>

2013 DRAFTING REQUEST

Bill

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Wanted: As time permits Same as LRB:
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/? pkahler

1P/15f
9/2

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9/3/14

FE Sent For:

<END>

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**Department of Children and Families
2015-17 Biennial Budget
Statutory Language Request**

Topic: Wisconsin Works; Sanctions; Refusal to Participate

Current Language:

49.151 Wisconsin works; sanctions.

(1) REFUSAL TO PARTICIPATE. A participant who refuses to participate, as determined under guidelines promulgated under s. 49.1515, in any Wisconsin Works employment position component is ineligible to participate in the Wisconsin Works program for 3 months. A participant is also ineligible to participate in the Wisconsin Works program if an individual in the participant's Wisconsin Works group is subject to the work requirement under s. 49.15 (2) and refuses to participate as required. A participant or an individual who is subject to the work requirement under s. 49.15 (2) demonstrates a refusal to participate if any of the following applies:

(a) 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), expresses verbally or in writing to a Wisconsin works agency that he or she refuses to participate.

(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, including an activity under s. 49.147 (5) (b) 1. a. to d., without good cause, as determined by the Wisconsin Works agency.

(c) 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), voluntarily leaves appropriate employment or training without good cause, as determined by the Wisconsin works agency.

(d) 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), loses employment as a result of being discharged for cause.

(e) 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), demonstrates through other behavior or action, as specified by the department by rule, that he or she refuses to participate in a Wisconsin works employment position.

Proposed Change:

49.151 Wisconsin works; sanctions. (1) DEFINITIONS. In this section,

(a) "Employer" means an unsubsidized employer, an employer that receives a wage subsidy, or a work experience provider.

(b) "Employment" means unsubsidized employment, subsidized employment, for which the employer receives a wage subsidy, or an assigned work experience activity.

just includes work exp provider activity?

(1m) REFUSAL TO PARTICIPATE. A participant who refuses to participate, as determined under guidelines promulgated under s. 49.1515, in any Wisconsin Works employment position component is ineligible to participate in the Wisconsin Works program for 3 months. A participant is also ineligible to participate in the Wisconsin Works program if an individual in the participant's Wisconsin Works group is subject to the work requirement under s. 49.15 (2) and refuses to participate as required. A participant or an individual who is subject to the work requirement under s. 49.15 (2) demonstrates a refusal to participate if any of the following applies:

~~(a) 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), expresses verbally or in writing to a Wisconsin works agency that he or she refuses to participate.~~

(a) (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, including an activity under s. 49.147 (5) (b) 1. a. to d., without good cause, as determined by the Wisconsin Works agency.

just around this?

(b) (c) 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), voluntarily leaves appropriate employment or training without good cause, as determined by the Wisconsin works agency.

(c) (d) 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), loses appropriate employment as a result of being discharged for cause.

(d) (e) 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), demonstrates through other behavior or action, as specified by the department by rule, that he or she refuses to participate in a Wisconsin works employment position.

(f) 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 to appear for an assigned activity, without good cause, as determined by the Wisconsin Works agency.

Justification:

The 2009-11 biennial budget, 2009 Wisconsin Act 28, eliminated the provision that in order to be determined ineligible for W-2 for refusing to participate a participant must refuse to participate 3 times in a W-2 component. This provision was replaced with language that provided that a participant or the second parent who is subject to the work requirements be ineligible for a 3-month period if he or she refuses to participate in a W-2 employment position. The statute includes actions that demonstrate a refusal to participate.

Participants may also have their monthly W-2 benefit reduced due to non-participation in assigned activities. Applying a period of ineligibility for refusing to participate is a more severe result of nonparticipation than a payment reduction and could be an effective strategy for W-2 agencies to encourage participation in W-2 and improve the work participation rate.

W-2 agencies seldom impose penalties for refusing to participate because the statute is unclear and confusing. For example, a participant demonstrates a refusal to participate if he or she fails to appear for an interview with a prospective employer or if a W-2 T participant fails to appear for an assigned activity without good cause. This provision conflicts with Wis Stat. s 49.148(1)(c) which describes the payment reduction for a W-2 T for failing to participate in a required activity. Wis Stat. s 49.151(1) also specifies a verbal or written refusal to participate as an action of refusal to participate. It is unlikely a participant would sign a statement indicating they refuse to participate.

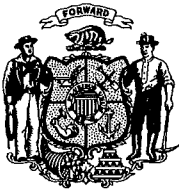
their change does not seem to affect this

These changes define more specifically the criteria for demonstrating a refusal to participate so that it will be better utilized by W-2 agencies to impose penalties on participants who are not participating. These changes also capture the behaviors and actions that W-2 agencies experience with participants who are refusing to participate: nonparticipation in any W-2 employment position, noncooperation with the W-2 agency to assist the participant in obtaining employment, and refusing employment. By closing these cases, it will remove participants who are refusing to participate from the denominator in calculating the work participation rate.

still conflicts with 49.148 (1)(c) unless included

Desired Effective Date: Upon enactment

Agency Contact: Kim Swissdorf
261-0616



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-4560

PJK...

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PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Draft
(in 8-26)

you cat

1 **AN ACT** relating to: sanctions for refusing to participate in a Wisconsin Works
2 employment 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:

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

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

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

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

1 appear for an interview with a prospective employer or, ~~if the participant is in a~~
 2 ~~Wisconsin Works transitional placement, the participant fails to appear for an~~
 3 ~~assigned activity, including an activity under s. 49.147 (5) (b) 1. a. to d., without good~~
 4 ~~cause, as determined by the Wisconsin Works agency.~~

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

****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.

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

7 49.151 (1m) (b) The participant, or an individual who is in the participant's
 8 Wisconsin ~~works~~ Works group and who is subject to the work requirement under s.
 9 49.15 (2), voluntarily leaves appropriate employment or training without good cause,
 10 as determined by the Wisconsin ~~works~~ Works agency.

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

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

13 49.151 (1m) (c) The participant, or an individual who is in the participant's
 14 Wisconsin ~~works~~ Works group and who is subject to the work requirement under s.
 15 49.15 (2), loses appropriate employment as a result of being discharged for cause.

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

16 SECTION 6. 49.151 (1) (e) of the statutes is renumbered 49.151 (1m) (d) and
 17 amended to read:

18 49.151 (1m) (d) The participant, or an individual who is in the participant's
 19 Wisconsin ~~works~~ Works group and who is subject to the work requirement under s.
 20 49.15 (2), demonstrates through other behavior or action, as specified by the

1 department by rule, that he or she refuses to participate in a Wisconsin ~~works~~ Works
2 employment position.

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

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

4 49.151 (1c) DEFINITIONS. In this section:

5 (a) "Employer" means a subsidized or unsubsidized employer or a work
6 experience provider.

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

9 **SECTION 8.** 49.1515 (1) of the statutes is amended to read:

10 49.1515 (1) GUIDELINES BY RULE. The department shall by rule specify
11 guidelines for determining when a participant, or individual in the participant's
12 Wisconsin Works group, who engages in a behavior specified in s. 49.151 (1) (1m) (a),
13 (b), (c), or (d), ~~or~~ (e) is demonstrating a refusal to participate.

14 **History:** 2009 a. 28; 2011 a. 32.

(END)

D. Note

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

LRB-4560/7dn

PJK:.....
v m w l r n

Date

Kim:

See my embedded NOTE regarding “assigned activity” and “assigned work experience activity.” Are they the same or is “assigned activity” more general? The W-2 statutes also use “training activity.” Are these all clearly different? This may need some clarification.

I was confused about the proposed change to s. 49.151 (1) (b). The explanation in the drafting instructions indicated that there was a conflict between that provision, which requires temporary ineligibility for missing an assigned activity, and the provisions that require a pay reduction for missing an assigned activity. The proposed change (making missing an assigned activity without good cause a stand alone behavior that demonstrates refusal to participate) does not correct the conflict, however. DCF has some discretion over whether a behavior demonstrates a refusal to participate, but reducing pay for missing an assigned activity appears to be mandatory. Would the participant be subject to a pay reduction and also be ineligible to participate for three months? Please advise.

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-4560/P1dn
PJK:kjf:rs

September 3, 2014

Kim:

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State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-4560/P1
PJK:kjf:rs

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

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.

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16 (b), (c), or (d), ~~or~~ (e) is demonstrating a refusal to participate.

17 (END)