



State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

Appendix A

LRB BILL HISTORY RESEARCH APPENDIX

The drafting file for 2015 LRB-0089/P1 (For: DCF)

has been copied/added to the drafting file for

2015 LRB-0309 (For: DOA)

Are These “Companion Bills” ?? ... No

Who in the initial requestor’s office authorized the copy/transfer of the drafting history (“guts”) from the original file: Kim Swissdorf (DCF)



RESEARCH APPENDIX -
PLEASE KEEP WITH THE DRAFTING FILE

Date Transfer Requested: 09/29/2014 (Per: EHS)

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.

2015 DRAFTING REQUEST

Bill

Received: 9/8/2014 Received By: eshea
Wanted: As time permits Same as LRB:
For: Children and Families 261-0616 By/Representing: Kim Swissdorf
May Contact: Drafter: eshea
Subject: Public Assistance - Wis works Addl. Drafters: pkahler

Extra Copies:

Submit via email: YES
Requester's email: kimm.swissdorf@wisconsin.gov
Carbon copy (CC) to: elisabeth.shea@legis.wisconsin.gov
pam.kahler@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Notice before taking Wisconsin Works actions

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>
/?	eshea 9/12/2014	kfollett 9/24/2014		_____			
/P1			jmurphy 9/24/2014	_____	srose 9/24/2014		State

FE Sent For:

<END>

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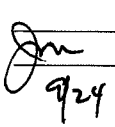
Topic:

Notice before taking Wisconsin Works actions ✓

Instructions:

See attached

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/?	eshea	1P/15F 9/24	1P/15F 9/24	 9/24			

FE Sent For:

<END>



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

Topic: Notice before taking certain actions

Current Language:

49.153 Notice before taking certain actions.

(1) WRITTEN AND ORAL NOTICE. Before taking any action against a participant that would result in a 20 percent or more reduction in the participant's benefits or in termination of the participant's eligibility to participate in Wisconsin Works, a Wisconsin Works agency shall do all of the following:

(a) Provide to the participant written notice of the proposed action and of the reasons for the proposed action.

(c) After providing the notice under par. (a), allow the participant a reasonable time to rectify the deficiency, failure, or other behavior to avoid the proposed action.

(2) RULES. The department shall promulgate rules that establish procedures for the notice under sub. (1) (a) and that define "reasonable time" for the purpose of sub. (1) (c).

Proposed Change:

Eliminate 49.153.

Justification:

W-2 agencies are required to provide written notification to a participant before taking any action against the participant that would result in a 20 percent or more reduction in the participant's benefits or termination of the participant's W-2 eligibility.

The intent of the statute is to ensure that participants, to whom a "significant" penalty is going to be applied, be given the opportunity to rectify before the penalty is actually applied. W-2 agencies have stated that in practice, participants don't usually rectify nonparticipation or termination of eligibility. In addition procedural requirements under the statute may result in reinstatement of eligibility and issuance of auxiliary payments.

A participant may rectify non-participation by providing their good cause reason. W-2 good cause policy requires participants to notify the W-2 agency within seven business days after an absence from a required activity of their good cause reason. If good cause is not provided, payment reductions apply and the participant receives a payment statement that explains the deductions. The payment statement includes language that provides the participant the opportunity to disclose potential barriers to participation and provides information on the W-2 dispute resolution process. When a participant meets the 20% payment reduction threshold, the statute requires the W-2 agency to provide the participant a notice offering another opportunity to provide good cause for the same missed activity. If the participant provides good cause after receiving the second notice the agency must issue an auxiliary payment. The statute reduces

participant accountability to comply with W-2 good cause policy to avoid payment reductions by giving them multiple opportunities to provide good cause.

W-2 eligibility may be terminated for a variety of reasons. While there are a number of termination reasons that could be rectified, e.g., non-cooperation with child support, other terminations reason cannot be rectified, e.g., youngest child turns 18 years of age, participant moves out of state, individual obtains SSI. However, the statute requires the W-2 agency to provide notice and offer the opportunity to rectify regardless of the termination reason. Requiring agencies to offer a rectification period regardless of the termination reason results in benefits continuing for participants who are not eligible for W-2 and they remain in the denominator when calculating the work participation rate.

Eliminating 49.153 would eliminate duplication with existing W-2 policies and procedures that meet the intent of the statute to uncover any hidden barriers, provide opportunities to rectify the deficiency, and allow actions to be undone, if warranted. This will also reduce over issuance of benefits and prevent ineligible cases from being counted in the work participation rate.

Desired Effective Date: Upon enactment

Agency Contact: Kim Swissdorf
261-0616



State of Wisconsin
2015 - 2016 LEGISLATURE



LRB-0089

EHS:

PI
JRMNR

In 9/12/14

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Agency budget
draft

Don't
Gen

- 1 AN ACT ...; relating to: eliminating the notice required prior to a Wisconsin
- 2 Works agency action to reduce benefits or terminate eligibility.

HEALTH AND HUMAN SERVICES
CHILDREN - (CS)

Analysis by the Legislative Reference Bureau

The Wisconsin Works (W-2) program under current law, which is administered by the Department of Children and Families (DCF), provides work experience and benefits for low-income custodial parents who are at least 18 years old. Also, an individual who is the parent of a child under the age of 13 or, if the child is disabled, under the age of 19, who needs child care services to participate in various educational or work activities, and who satisfies other eligibility criteria may receive a child care subsidy for child care services under the W-2 program.

Under current law, if a W-2 agency plans to take action against an individual who participates in W-2 that would result in a 20 percent or more reduction in the participant's benefits or in termination of the participant's eligibility to participate in W-2, the agency must provide written notice of the proposed action and reasons for the action and allow the participant a reasonable time after providing the notice to rectify the deficiency, failure, or other behavior to avoid the proposed action. This draft removes these notice and rectification requirements.

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. 49.153 of the statutes is repealed.

2

(END)

Shea, Elisabeth

From: Swissdorf, Kim M - DCF <KimM.Swissdorf@wisconsin.gov>
Sent: Monday, September 29, 2014 9:53 AM
To: Shea, Elisabeth
Subject: RE: Budget drafts

Yes. That is fine. Thanks.

From: Shea, Elisabeth [mailto:Elisabeth.Shea@legis.wisconsin.gov]
Sent: Monday, September 29, 2014 9:51 AM
To: Swissdorf, Kim M - DCF
Subject: Budget drafts

Hi Kim,

DOA has requested budget drafts reflecting several of DCF's requests (and I have DOA's permission to discuss all of these with you). On some of these we have already discussed that I will only proceed with the DOA draft (marked with *).

15-0089 – Notice before taking Wisconsin Works actions

Would it be ok if I copy or transfer the drafting file for each of these to the corresponding DOA drafting file so that the original instructions are included with each one?

Lis

Elisabeth H. Shea
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State of Wisconsin
2015 - 2016 LEGISLATURE



LRB-0089/P1
EHS:kjf:jm

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