

**Department of Children and Families  
Public Hearing Summary**

**Proposed Rules Relating to W-2 Sanctions  
Good Cause Exceptions**

**Chapter DCF 101  
CR 08-004**

**A public hearing was held in Madison on May 15, 2008. The following commented on the proposed rules:**

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| 1. Pat DeLessio, Attorney at Law<br>Legal Action of Wisconsin (LAW)<br>Milwaukee | 2. John Wilberding, Project Director<br>Maximus<br>West Allis |
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**Comment Summary and Department Response**

**Pat DeLessio, Legal Action of Wisconsin (LAW)**

1. The list of good cause reasons includes the failure to provide needed accommodations, but does not include the failure to conduct a formal assessment where the barrier screening tool, medical information, or participant's statements or actions indicate the need for a formal assessment.

**Department response:** The Department agrees with the intent but believes this is covered in the existing good cause reasons. The good cause list represents circumstances within a participant's life, but outside of his or her control that might prevent participation. Failure to conduct a formal assessment is a failure on the part of the W-2 agency and therefore is not an appropriate good cause reason. While agencies must be held accountable for these types of failures, the Department does not agree with the recommendation to create a new good cause reason. The proposed rule DCF 101.20 (1) (d) provides good cause for an individual having an illness, injury, disability, or incapacity. It seems likely that an individual would raise one of these issues rather than presenting the failure to conduct a formal assessment as a good cause reason.

**John Wilberding, Maximus**

1. This proposed rule includes additional good cause criteria that were recommended in the *Wisconsin Works Sanction Study*, Department of Workforce Development, December 2004, <http://dcf.wisconsin.gov/w2/pdf/sanctionsfinalreport.pdf>. This may be an appropriate time to expand the rule to also include the following recommendation from the study:

Establish a definition of what activities can be sanctioned. Only work activities should be sanctionable. Activities related to health needs would not be sanctionable. Train staff to assist customers on compliance.

W-2 policy allows agencies to sanction participants for not participating in a wide variety of activities, including those that relate to health and care for a family member. The recommendation is to restrict those activities that are sanctionable to include only those related to work. In addition, this recommendation is to provide FEPs additional training to assist participants in complying with program requirements.

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**Department response:** While this is outside of the scope of this particular rule update, this recommendation may be considered under future Bureau of Working Families' projects. It would not be appropriate to add it to the administrative rules at this time as there is concern that adding such prescriptive language would limit future decision-making.