

State of Wisconsin



2009 Assembly Bill 898

Date of enactment: **May 13, 2010**
Date of publication*: **May 26, 2010**

2009 WISCONSIN ACT 333

AN ACT *to repeal* 49.147 (3) (cm), 49.147 (3) (dm), 49.162 (3) (am) and 49.162 (3) (d); *to renumber* 106.14; *to amend* 49.147 (3) (a), 49.147 (3) (a), 49.162 (3) (a) and 49.162 (3) (a); and *to create* 49.143 (2r), 49.147 (3) (cm), 49.147 (3) (dm), 49.162 (3) (am), 49.162 (3) (d) and 106.14 (2) of the statutes; **relating to:** trial job program and transitional jobs demonstration project.

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

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

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

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

49.147 (3) (a) *Administration.* A Wisconsin works Works agency shall administer a trial job program as part of its administration of the Wisconsin works Works program to improve the employability of individuals who are not otherwise able to obtain unsubsidized employment, as determined by the Wisconsin works Works agency, by providing work experience and training to assist them to move promptly into unsubsidized employment. In determining an appropriate placement for a participant, a Wisconsin works Works agency shall give priority to placement under this subsection over place-

ments under subs. (4) and (5). The Wisconsin works Works agency shall pay a wage subsidy to an any employer that employs a participant under this subsection for a minimum of 20 hours per week at a location in this state and that agrees to make a good faith effort to retain the participant as a permanent unsubsidized employee after the wage subsidy is terminated. The wage subsidy may not exceed \$300 per month for full-time employment of a participant. For less than full-time employment of a participant during a month, the wage subsidy may not exceed a dollar amount determined by multiplying \$300 by a fraction, the numerator of which is the number of hours worked by the participant in the month and the denominator of which is the number of hours which would be required for full-time employment in that month shall equal the amount of wages that the employer actually pays the participant, up to 40 hours per week at minimum wage.

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

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

* Section 991.11, WISCONSIN STATUTES 2007-08 : Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

ing work experience and training to assist them to move promptly into unsubsidized employment. In determining an appropriate placement for a participant, a Wisconsin Works agency shall give priority to placement under this subsection over placements under subs. (4) and (5). The Wisconsin Works agency shall pay a wage subsidy to any employer that employs a participant under this subsection for a minimum of 20 hours per week at a location in this state and that agrees to make a good faith effort to retain the participant as a permanent unsubsidized employee after the wage subsidy is terminated. The wage subsidy shall equal the amount of wages that the employer actually pays the participant, up to 40 hours per week at minimum wage may not exceed \$300 per month for full-time employment of a participant. For less than full-time employment of a participant during a month, the wage subsidy may not exceed a dollar amount determined by multiplying \$300 by a fraction, the numerator of which is the number of hours worked by the participant in the month and the denominator of which is the number of hours that would be required for full-time employment in that month.

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

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

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

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

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

SECTION 8. 49.147 (3) (dm) of the statutes, as created by 2009 Wisconsin Act (this act), is repealed.

SECTION 9. 49.162 (3) (a) of the statutes, as created by 2009 Wisconsin Act 28, is amended to read:

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

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

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

SECTION 11. 49.162 (3) (am) of the statutes is created to read:

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

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

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

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

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

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

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

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

SECTION 12. 49.162 (3) (am) of the statutes, as created by 2009 Wisconsin Act (this act), is repealed.

SECTION 13. 49.162 (3) (d) of the statutes is created to read:

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

SECTION 14. 49.162 (3) (d) of the statutes, as created by 2009 Wisconsin Act (this act), is repealed.

SECTION 16. 106.14 of the statutes is renumbered 106.14 (1).

SECTION 18. 106.14 (2) of the statutes is created to read:

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

SECTION 20. Nonstatutory provisions.

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

(1m) PUBLISH NOTICE IN THE WISCONSIN ADMINISTRATIVE REGISTER THAT FUNDING IS AVAILABLE. The department of children and families shall determine whether the expansion of trial jobs under section 49.147 (3) of the statutes, as affected by this act, and of the project under section 49.162 of the statutes, as affected by this act, is a mechanism for obtaining some or all of available federal moneys from the Temporary Assistance for Needy Families Emergency Fund under the American Recovery and Reinvestment Act of 2009. If the department determines that expanding those programs, as provided in this act, is the preferred mechanism for obtaining that federal funding, the department shall publish a notice in the Wisconsin Administrative Register that states the date on which the department made that determination.

(2) PUBLISH NOTICE IN THE WISCONSIN ADMINISTRATIVE REGISTER THAT FUNDING IS NOT AVAILABLE. If, after making the determination under subsection (1m), the department of children and families determines that federal moneys from the Temporary Assistance for Needy Families Emergency Fund under the American Recovery

and Reinvestment Act of 2009 are no longer available to support an expansion of trial jobs under section 49.147 (3) of the statutes, as affected by this act, and the project under section 49.162 of the statutes, as affected by this act, the department shall publish a notice in the Wisconsin Administrative Register that states the date on which the federal moneys may no longer be obtained.

(4) EVALUATION OF TRANSITIONAL JOBS PROJECT. The department of children and families shall evaluate the demonstration project under section 49.162 of the statutes, as affected by this act, and its effectiveness in Milwaukee County, Dane County, Racine County, Kenosha County, Rock County, Brown County, and other regions of the state, as determined by the department, and no later than June 30, 2011, submit a report of its evaluation to the joint committee on finance and to the appropriate standing committees of the legislature in the manner provided under section 13.172 (3) of the statutes.

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

SECTION 22. Effective dates. This act takes effect on the day after publication, except as follows:

(1) The amendment of sections 49.147 (3) (a) (by SECTION 3) and 49.162 (3) (a) (by SECTION 9) of the statutes and the creation of sections 49.147 (3) (cm) and (dm) and 49.162 (3) (am) and (d) of the statutes take effect on the date stated in the notice published by the department of children and families under SECTION 20 (1m) of this act.

(2) The repeal of sections 49.147 (3) (cm) and (dm) and 49.162 (3) (am) and (d) of the statutes and the amendment of sections 49.147 (3) (a) (by SECTION 4) and 49.162 (3) (a) (by SECTION 10) of the statutes take effect on the date stated in the notice published by the department of children and families under SECTION 20 (2) of this act.