



2009 ASSEMBLY BILL 898

March 26, 2010 - Introduced by Representatives GRIGSBY, SINICKI, ROYS, PASCH and MOLEPSKE JR., cosponsored by Senators COGGS, LEHMAN, JAUCH and MILLER. Referred to Committee on Jobs, the Economy and Small Business.

1 **AN ACT to repeal** 49.143 (2r), 49.147 (3) (cm), 49.147 (3) (dm), 49.162 (3) (am),
2 49.162 (3) (d) and 106.14 (2); **to renumber** 106.14 and 106.14 (1); **to amend**
3 49.147 (3) (a), 49.147 (3) (a), 49.162 (3) (a), 49.162 (3) (a) and 49.175 (1) (a); and
4 **to create** 49.143 (2r), 49.147 (3) (cm), 49.147 (3) (dm), 49.162 (3) (am), 49.162
5 (3) (d) and 106.14 (2) of the statutes; **relating to:** trial job program and
6 transitional jobs demonstration project and making an appropriation.

Analysis by the Legislative Reference Bureau

The Wisconsin Works (W-2) program under current law provides work experience and benefits for low-income custodial parents who are at least 18 years old, as well as job search assistance to noncustodial parents and child care subsidies for certain parents who need child care services to participate in various educational or work activities. W-2, which is administered by the Department of Children and Families (DCF), which in turn contracts with W-2 agencies to administer W-2 on the local level, is partially funded with federal Temporary Assistance for Needy Families (TANF) block grant moneys. One of the work components under W-2 is the trial job program (program), under which an individual receives at least minimum wage from an employer for up to 40 hours of work per week and the W-2 agency pays the employer a wage subsidy of up to \$300 per month. Also under current law, DCF is required to conduct a transitional jobs demonstration project (project) in six counties under which DCF provides up to 2,500 transitional jobs for unemployed, low-income adults who are not eligible for W-2.

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This bill provides federal funding from the TANF Emergency Fund under the American Recovery and Reinvestment Act of 2009 for the project and for an expansion of the program. Under both the project and the program, an individual may participate for a maximum of 1,040 hours actually worked and is paid by the employer at not less than minimum wage. Any employer is eligible to receive a subsidy for employing a participating individual if the individual is employed for at least 20 hours per week and at a location in this state. The employer receives a wage subsidy that is equal to the wages the employer actually pays the individual, up to 40 hours per week at minimum wage.

As under current law for the program, the bill prohibits the employment of an individual under the project from having the effect of filling a vacancy created by terminating a regular employee's employment for the purpose of hiring an individual under the project or of filling a position of a person who is on layoff or strike or engaged in a labor dispute regarding the job. The bill expands the project so that it is not limited to 2,500 transitional jobs nor to any specific geographic areas of the state.

The bill requires DCF to evaluate the project and its effectiveness in the six counties in which the project was initially going to be conducted and to submit a report of its evaluation to the Joint Committee on Finance (JCF) and to the appropriate standing committees of the legislature by June 30, 2011. DCF is also required to submit quarterly reports to JCF outlining its progress in implementing the project and the expansion of the program and identifying the employers participating in each. In addition, DCF must take any action necessary to obtain any additional federal funding that becomes available for the program and the project.

Also under the bill, the Department of Workforce Development is required to publicize and maintain information about the project and the program, and how to participate in them, on its job center Web site. W-2 agencies are required to collaborate with local workforce development boards to connect job seekers with employment opportunities, including the project and the program.

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.** 49.143 (2r) of the statutes is created to read:
2 49.143 (2r) EXPANDED JOB PROGRAMS. A Wisconsin Works agency shall
3 collaborate with the local workforce development board to connect individuals
4 seeking employment with employment opportunities, including the expanded trial
5 job program under s. 49.147 (3) and, if operating in the geographical area in which

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1 the Wisconsin Works agency administers Wisconsin Works, the transitional jobs
2 demonstration project under s. 49.162.

3 **SECTION 2.** 49.143 (2r) of the statutes, as created by 2009 Wisconsin Act (this
4 act), is repealed.

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

6 49.147 (3) (a) *Administration.* A Wisconsin ~~works~~ Works agency shall
7 administer a trial job program as part of its administration of the Wisconsin ~~works~~
8 Works program to improve the employability of individuals who are not otherwise
9 able to obtain unsubsidized employment, as determined by the Wisconsin ~~works~~
10 Works agency, by providing work experience and training to assist them to move
11 promptly into unsubsidized employment. In determining an appropriate placement
12 for a participant, a Wisconsin ~~works~~ Works agency shall give priority to placement
13 under this subsection over placements under subs. (4) and (5). The Wisconsin ~~works~~
14 Works agency shall pay a wage subsidy to an any employer that employs a
15 participant under this subsection for a minimum of 20 hours per week at a location
16 in this state and that agrees to make a good faith effort to retain the participant as
17 a permanent unsubsidized employee after the wage subsidy is terminated. The wage
18 subsidy may not exceed \$300 per month for full-time employment of a participant.
19 ~~For less than full-time employment of a participant during a month, the wage~~
20 ~~subsidy may not exceed a dollar amount determined by multiplying \$300 by a~~
21 ~~fraction, the numerator of which is the number of hours worked by the participant~~
22 ~~in the month and the denominator of which is the number of hours which would be~~
23 ~~required for full-time employment in that month~~ shall equal the amount of wages
24 that the employer actually pays the participant, up to 40 hours per week at minimum
25 wage.

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

3 49.147 **(3)** (a) *Administration.* A Wisconsin Works agency shall administer a
4 trial job program as part of its administration of the Wisconsin Works program to
5 improve the employability of individuals who are not otherwise able to obtain
6 unsubsidized employment, as determined by the Wisconsin Works agency, by
7 providing work experience and training to assist them to move promptly into
8 unsubsidized employment. In determining an appropriate placement for a
9 participant, a Wisconsin Works agency shall give priority to placement under this
10 subsection over placements under subs. (4) and (5). The Wisconsin Works agency
11 shall pay a wage subsidy to ~~any~~ an employer that employs a participant under this
12 subsection ~~for a minimum of 20 hours per week at a location in this state and that~~
13 ~~agrees to make a good faith effort to retain the participant as a permanent~~
14 ~~unsubsidized employee after the wage subsidy is terminated. The wage subsidy~~
15 ~~shall equal the amount of wages that the employer actually pays the participant, up~~
16 ~~to 40 hours per week at minimum wage~~ may not exceed \$300 per month for full-time
17 employment of a participant. For less than full-time employment of a participant
18 during a month, the wage subsidy may not exceed a dollar amount determined by
19 multiplying \$300 by a fraction, the numerator of which is the number of hours
20 worked by the participant in the month and the denominator of which is the number
21 of hours that would be required for full-time employment in that month.

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

23 49.147 **(3)** (cm) *Time-limited participation.* A participant under this
24 subsection may work in a trial job for a maximum of 1,040 hours, including education
25 and training activities under par. (am).

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

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

4 49.147 (3) (dm) *Report on progress.* Within 30 days after the end of each
5 calendar quarter, the department shall submit a report to the joint committee on
6 finance that outlines the department's progress in implementing the temporary
7 expansion of the trial job program under this subsection and that identifies the
8 employers participating in the program under this subsection. The report under this
9 paragraph may be combined with the report under s. 49.162 (3) (d).

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

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

14 49.162 (3) (a) The department shall provide ~~up to 2,500~~ transitional jobs under
15 the demonstration project. ~~The jobs shall be allocated among Milwaukee County,~~
16 ~~Dane County, Racine County, Kenosha County, Rock County, Brown County, and~~
17 ~~other regions of the state, as determined by the department, in the same proportion~~
18 ~~as the total number of Wisconsin Works participants are allocated among those~~
19 ~~counties and other regions as of June 30, 2009.~~

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

22 49.162 (3) (a) The department shall provide up to 2,500 transitional jobs under
23 the demonstration project. The jobs shall be allocated among Milwaukee County,
24 Dane County, Racine County, Kenosha County, Rock County, Brown County, and
25 other regions of the state, as determined by the department, in the same proportion

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1 as the total number of Wisconsin Works participants are allocated among those
2 counties and other regions as of June 30, 2009.

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

4 49.162 (3) (am) The demonstration project shall include all of the following
5 features and requirements:

6 1. The department shall pay a wage subsidy to any employer that employs an
7 individual under this section for a minimum of 20 hours per week at a location in this
8 state. The wage subsidy shall equal the amount of wages that the employer actually
9 pays the individual, up to 40 hours per week at minimum wage.

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

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

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

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

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

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

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

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

2 49.162 (3) (d) Within 30 days after the end of each calendar quarter, the
3 department shall submit a report to the joint committee on finance that outlines the
4 department's progress in implementing the demonstration project as described in
5 par. (am) and that identifies the employers participating in the demonstration
6 project. The report under this paragraph may be combined with the report under s.
7 49.147 (3) (dm).

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

10 **SECTION 15.** 49.175 (1) (a) of the statutes, as affected by 2009 Wisconsin Act 28,
11 is amended to read:

12 49.175 (1) (a) *Wisconsin Works and other benefits*. For Wisconsin Works
13 benefits, ~~\$49,139,400~~ and benefits under s. 49.162, \$109,139,400 in fiscal year
14 2009-10 and ~~\$51,229,600~~ \$111,229,600 in fiscal year 2010-11.

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

16 **SECTION 17.** 106.14 (1) of the statutes, as affected by 2009 Wisconsin Act
17 (this act), is renumbered 106.14.

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

19 106.14 (2) The department shall publicize and maintain on its job center Web
20 site information related to the job programs under ss. 49.147 (3) and 49.162 so that
21 employers and individuals seeking employment may obtain information about the
22 programs, including how to participate in them.

23 **SECTION 19.** 106.14 (2) of the statutes, as created by 2009 Wisconsin Act (this
24 act), is repealed.

25 **SECTION 20. Nonstatutory provisions.**

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1 (1) DETERMINE WHETHER PAYMENTS ARE MATCHING FUNDS. The department of
2 children and families shall determine whether any amounts paid by the state toward
3 the earned income tax credit from the appropriation under section 20.835 (2) (f) of
4 the statutes and for the weatherization and low-income energy assistance programs
5 under sections 16.26 and 16.27 of the statutes from the appropriation under section
6 20.505 (3) (r) of the statutes qualify as state matching funds for federal moneys
7 received from the Temporary Assistance for Needy Families Emergency Fund under
8 the American Recovery and Reinvestment Act of 2009.

9 (2) PUBLISH NOTICE IN THE WISCONSIN ADMINISTRATIVE REGISTER. If the
10 department determines that federal moneys from the Temporary Assistance for
11 Needy Families Emergency Fund under the American Recovery and Reinvestment
12 Act of 2009 are no longer available to support an expansion of trial jobs under section
13 49.147 (3) of the statutes, as affected by this act, and the project under section 49.162
14 of the statutes, as affected by this act, the department shall publish a notice in the
15 Wisconsin Administrative Register that states the date on which the federal moneys
16 are depleted.

17 (3) REQUIRED GENERAL FUND BALANCE. Section 20.003 (4) of the statutes does not
18 apply to the action of the legislature in enacting this act.

19 (4) EVALUATION OF TRANSITIONAL JOBS PROJECT. The department of children and
20 families shall evaluate the demonstration project under section 49.162 of the
21 statutes, as affected by this act, and its effectiveness in Milwaukee County, Dane
22 County, Racine County, Kenosha County, Rock County, Brown County, and other
23 regions of the state, as determined by the department, and no later than June 30,
24 2011, submit a report of its evaluation to the joint committee on finance and to the

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1 appropriate standing committees of the legislature in the manner provided under
2 section 13.172 (3) of the statutes.

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

7 **SECTION 21. Fiscal changes.**

8 (1) In the schedule under section 20.005 (3) of the statutes for the appropriation
9 to the department of children and families under section 20.437 (2) (md) of the
10 statutes, as affected by the acts of 2009, the dollar amount is increased by
11 \$60,000,000 for the first fiscal year of the fiscal biennium in which this subsection
12 takes effect to increase funding for the programs under sections 49.147 (3) and
13 49.162 of the statutes, as affected by this act. In the schedule under section 20.005
14 (3) of the statutes for the appropriation to the department of children and families
15 under section 20.437 (2) (md) of the statutes, as affected by the acts of 2009, the dollar
16 amount is increased by \$60,000,000 for the second fiscal year of the fiscal biennium
17 in which this subsection takes effect to increase funding for the programs under
18 sections 49.147 (3) and 49.162 of the statutes, as affected by this act.

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

21 (1) The repeal of sections 49.143 (2r), 49.147 (3) (cm) and (dm), 49.162 (3) (am)
22 and (d), and 106.14 (2) of the statutes, the renumbering of section 106.14 (1) of the
23 statutes, and the amendment of sections 49.147 (3) (a) (by SECTION 10) and 49.162

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1 (3) (a) (by SECTION 10) of the statutes take effect on the date stated in the notice
2 published by the department of children and families under SECTION 20 (2) of this act.

3 (END)