

Clearinghouse Rule 99-165

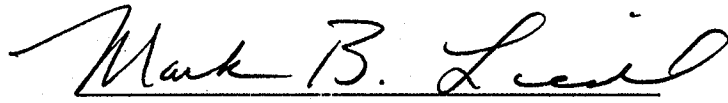
Rules Certificate

STATE OF WISCONSIN)
) ss
DEPARTMENT OF WORKFORCE DEVELOPMENT)

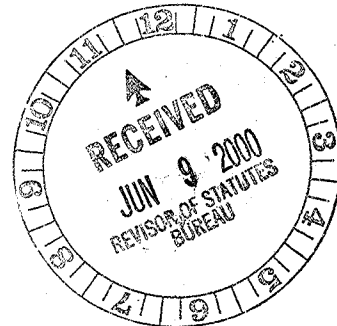
I, Linda Stewart, Secretary of the Department of Workforce Development, and custodian of the official records, certify that the annexed rules, relating to two-parent families under Wisconsin works, were duly approved and adopted by this department on June 8, 2000.

I further certify that this copy has been compared by me with the original on file in this department and that it is a true copy of the original, and of the whole of the original.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the of the Department of Workforce Development at 201 E. Washington Avenue in the city of Madison, this 8th day of June 2000.



Secretary or designee



8/1/00

aa-165

Order Adopting Rules

Pursuant to authority vested in the Department of Workforce Development by ss. 49.15, 49.151, and 227.11, Stats., the Department of Workforce Development amends and creates rules of Wisconsin Administrative Code chapter DWD Chapter 12 relating to two-parent families under Wisconsin works.

The attached rules shall take effect on August 1, 2000, pursuant to s. 227.22, Stats.

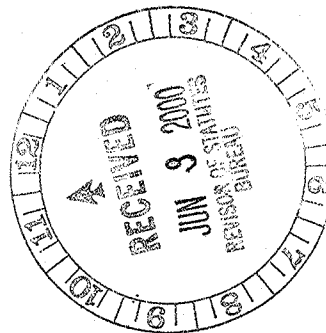
Adopted at Madison, Wisconsin this

Date: 6-8-2000

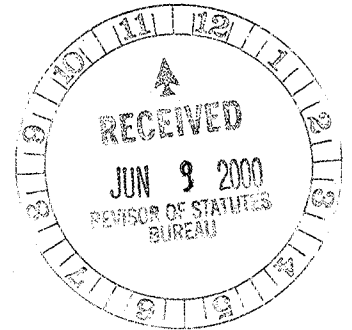
Department of Workforce Development

Mark B. Leeds

Secretary or designee



**State of Wisconsin
Department of Workforce Development**



Two-Parent Families Under Wisconsin Works

The Wisconsin Department of Workforce Development proposes an order to amend DWD 12.21 (1) and to create DWD 12.03 (26m) and 12.27, relating to two-parent families under Wisconsin works.

Analysis Prepared by the Department of Workforce Development

Statutory authority: ss. 49.15, 49.151, and 227.11, Stats.

Statutes interpreted: Secs. 49.15 and 49.151, Stats.

This proposed rule implements requirements created by 1997 Wisconsin Act 27 for two-parent families under the Wisconsin works (W-2) program.

The rule provides that if a W-2 participant resides with the second parent of a child in common for whom the family receives federally-funded child care assistance, the second parent must participate in prescribed work activities. The second parent must participate in work activities for at least the difference between 55 hours and the number of hours the parent in the W-2 employment position participates in assigned employment and training activities. A second parent who is disabled or caring for a severely disabled child is not required to participate in the work activities.

Participation by the second parent has no effect on the W-2 benefit amount. If a second parent who is required to participate refuses to participate 3 times, the parent in the W-2 employment position will be ineligible to participate in that employment component. Employment components under W-2 are W-2 Transitions, Community Service Jobs, and Trial Jobs.

The W-2 agency may offer the second parent the opportunity to voluntarily participate in work activities if the family is not receiving federally-funded child care assistance.

SECTION 1. DWD 12.03 (26m) is created to read:

DWD 12.03 (26m) “Second parent” has the same meaning given “other parent” in s. 49.15 (1), Stats.

NOTE: Sec. 49.15 (1), Stats. defines “other parent” as “a parent who is not a participant in a Wisconsin works employment position.”

SECTION 2. DWD 12.21(1)(a) and (b)(intro.) are amended to read:

DWD 12.21 (1) REFUSAL TO PARTICIPATE. (a) A participant who refuses without good cause to participate 3 times in any Wisconsin works employment position component is ineligible to participate in that component. A participant is also ineligible to participate in that Wisconsin works employment position component if the second parent in the Wisconsin works group is subject to the work requirement under s. DWD 12.27 and refuses 3 times to participate as required. A participant whom the Wisconsin works agency has determined is ineligible under this section for a particular Wisconsin works employment position component may be eligible to participate in any other Wisconsin works employment position component in which the participant has not refused to participate 3 times.

(b) A participant or a second parent who is subject to the work requirement under s. DWD 12.27 refuses to participate in a Wisconsin works employment position component if the participant or the second parent who is subject to the work requirement under s. DWD 12.27 does any of the following:

SECTION 3: DWD 12.27 is created to read:

DWD 12.27. Two-Parent Families. (1) REQUIREMENTS FOR THE SECOND PARENT. If a participant in a Wisconsin works employment position resides with the second parent of a dependent child with respect to whom the participant is a custodial parent, the second parent shall participate in prescribed work activities under sub. (3) if the Wisconsin works group receives federally-funded child care assistance on behalf of the dependent child. The W-2 agency shall inform the second parent all of the following:

(a) The second parent’s participation in W-2 employment and training activities has no effect on the Wisconsin works group’s benefit amount.

(b) The second parent's refusal to participate in W-2 employment and training activities will result in sanction for the Wisconsin works group pursuant to s. DWD 12.21.

(2) EXCEPTIONS. The second parent is not required to participate in employment and training activities if any of the following conditions are met:

(a) The family is not receiving federally-funded child care assistance for a dependent child of the W-2 participant and the second parent.

(b) The second parent is a disabled parent who receives federal or state disability payments or other benefits based on equivalent disability status. Federal or state disability payments include supplemental security income, social security disability insurance, veteran's disability benefits, and worker's compensation.

(c) The second parent is caring for a severely disabled dependent child who has a physical, emotional, or mental impairment that is characterized by the need for individually planned and coordinated care, treatment, vocational rehabilitation, or other services and which has resulted or is likely to result in a substantial limitation on the ability to function in at least 3 of the following areas:

1. Self-care.
2. Receptive and expressive language.
3. Learning.
4. Mobility.
5. Self-direction.
6. Capacity for independent living.
7. Economic self-sufficiency.

(3) PRESCRIBED WORK ACTIVITIES. The second parent shall participate in any of the following activities for at least the difference between 55 hours and the number of hours the parent in the W-2 employment position participates in any of the following activities:

- (a) Unsubsidized employment as defined in s. 49.147 (1)(c), Stats.
- (b) Employment subsidized by a source other than Wisconsin works.
- (c) Work experience other than a community service job.
- (d) On-the-job training funded by a source other than W-2.

(e) A community service job as defined in s.49.147 (4), Stats.

(4) OPTIONAL PARTICIPATION. If the Wisconsin works group is not receiving federally-funded child care assistance for a custodial child of a W-2 participant and second parent, the W-2 agency may offer the second parent the opportunity to participate in work activities. The W-2 agency shall inform the second parent all of the following:

(a) The second parent's participation in W-2 employment and training activities has no effect on the Wisconsin works group's benefit amount.

(b) The second parent's nonparticipation in W-2 employment and training activities will not result in sanction for the Wisconsin works group.

(5) EMPLOYABILITY PLAN. If the second parent participates in W-2 employment or training activities, the W-2 agency shall create an employability plan for the second parent.

SECTION 4. EFFECTIVE DATE. This rule shall take effect on the first day of the month following publication in the Wisconsin administrative register as provided in s. 227.22 (2) (intro.), Stats.