

### Suggestions to Recodify Provisions of Ch. 49, Statutes

Statute	Item	Detail
49.131	Electronic transfer of benefits	Keep this section with new Subchapter II – DCF; Wisconsin Works and Wisconsin Shares Child Care Subsidy.
49.138	Emergency assistance for families with needy children	Keep this section with new Subchapter II – DCF; Wisconsin Works and Wisconsin Shares Child Care Subsidy.
49.138(4)(c)	Emergency assistance for families with needy children	<i>1<sup>st</sup> option:</i> Revise language to synch up the timeframe a person has to submit a departmental review for Emergency Assistance (currently 14 days) with the timeframe for submitting for a departmental review for W-2 (currently 21 days). <b>(See statutory language suggestions)</b> <i>2<sup>nd</sup> option:</i> Remove language related to reviews and reference the same W-2 language at 49.152.
49.139	Emergency shelter funding	Move this to the same location as 49.175.
49.141 (1)(a) 49.141 (1)(k) 49.141 (1)(m) 49.141 (1)(n) 49.141 (1)(r) 49.141(1)(s) 49.141(3) 49.141(4) 49.151(1) 49.152(1)	Component vs. employment position	Define the terms “component” and “work component” in the statute and review to determine when these two words are used compared to when “W-2 employment position” is used.
49.141(10)	Prohibited Charges	Define “provider” and “recipient”
49.141(10)	Prohibited Charges	Move to 49.143: Wisconsin Works; agency contracts
49.143(2)(g)	Contract Requirements	Eliminate this language and a reference added to 49.143(1)(ac) 3.
49.143(2)(a)	Establish a Community	Revise language to simplify the statutory requirements for creating the Community

Statute	Item	Detail
	Steering Committee	Steering Committees (CSC) thus giving the W-2 agencies the ability to create CSCs as intended. (See statutory language suggestions)
49.143(2)(b)	Establish a Children's Services Network	Revise this language in order to make it clear that this not necessarily a group of people, but a more so a list of services? Option: Change "provide" to "contain."
49.143 (2)(cr)	Require credit establishment and credit repair assistance	Remove the "contracting" requirement and move the revised statutory language to 49.143(2)(b) making it an optional CSC activity. (See statutory language suggestions)
49.143 (2m)	Agencies may establish a Nutrition Outreach program	Revise language and move the revised statutory language to 49.143(2)(b) making it an optional CSC activity. (See statutory language suggestions)
49.143(3g)	Any Performance Bonuses must be based on 6 specified performance criteria	Revise language to give the Department more flexibility in determining what performance criteria should be used for Performance Bonuses. (See statutory language suggestions)
49.143 (5)	Request Information	Revise language so that W-2 agencies have a clearer understanding as to what information they can require applicants and participants to submit in order to determine W-2 eligibility and employment position placement. (See statutory language suggestions)
49.143 (5)	Request Information	<i>Option 1:</i> Move language from 49.32(10) (Release of Info to Law Enforcement) to this section. <i>Option 2:</i> Reference 49.32(10) as it relates to what types of information a W-2 agency can release.
49.143(5)	Request Information	<i>Option 1:</i> Move language from 49.83 (Limitation on giving information) to this section. <i>Option 2:</i> Reference 49.83 as it relates to what types of information a W-2 agency can release.
49.145(2)(g)	Eligibility	<i>Option 1:</i> Move language from 49.84 (Verification of public assistance applications) to this section. <i>Option 2:</i> Reference 49.84 as it relates to what types of information a W-2 agency must verify.
49.145(2)(h)	180 day good faith effort	Eliminate this language because it is no longer relevant to the W-2 program. (See statutory language suggestions)
49.145(2)(hm)	180 day cooperation	Eliminate this language because it is no longer relevant to the W-2 program. (See statutory language suggestions)

Statute	Item	Detail
49.145(2)(j)	Individual is not on strike last day of the month	Remove the reference to the “last day of the month” as this applied to AFDC only and was carried over to W-2.
49.145(2)(n)	State clocks	Revise this language so that it synchs up the state lifetime limit with the federal lifetime limit thus providing a clearer policy to program participants. (See statutory language suggestions)
49.145(2)(n)(4)	State clocks	Revise this language so that it synchs with federal guidance as the “1,000 individual requirement” is not a part of the federal requirement. [Title 42, Chapter 7, Sub IV, Part A - 608(a)(7)(D)(i)].
49.147(2)(a) 1 and 2	Job Search/Job Orientation Activities at application as a condition of eligibility	Revise this language and move it to the nonfinancial eligibility section of the statutes to better organize the statutes. (See statutory language suggestions)
49.147(3m)	Real Work, Real Pay	Remove this language because program has expired.
49.147(4)(at) 49.147(5)(bt)	CSJ Motivational Training W-2 T Motivational Training	Remove language that is no longer relevant due to changes introduced under the 2009-2011 biennial budget. (See statutory language suggestions)
49.147(5)(1)	W-2 T	Remove the reference to “at least 60 days” as the time in which the person is incapacitated is not relevant and causes complications with the policy.
49.147(5m)	Postsecondary Education	While the current law permits W-2 participants to participate in a technical college education program for up to two years as part of a CSJ or W-2 T placement, this revision alters requirements which are unduly burdensome, complex and prohibitive when doing so. (See statutory language suggestions)
49.147(5m)	Postsecondary Education	Research language to determine whether legislative intent specifically meant a technical college within the Wisconsin Technical College System.
49.1473	Domestic abuse screening and training	Move to 49.143: Wisconsin Works; agency contracts
49.148(4)	Drug Testing	Move to 49.145 Wisconsin works; eligibility for employment positions.
49.149	Education and Training	Move to 49.143: Wisconsin Works; agency contracts
49.15(2)	Requirements for other parent	Revise language to simplify how much the other parent must participate if the family is receiving federally funded child care.

Statute	Item	Detail
49.151(2)	IPV	Revise language to clarify the current process to apply and appeal an Intentional Program Violation (IPV). (See statutory language suggestions)
49.151(2)	IPV	Add a cross-reference to 49.161(3) (Overpayments Caused By Intentional Program Violations.)
49.152(2)(b) and (c)	Review of agency decisions	Revise this language as the current wording is unnecessary as the agency really must review the decision under both circumstances. Currently, (c) says that an agency shall (or must) review a W-2 agency decision to deny an application based solely on financial ineligibility. (b) says that an agency may review W-2 agency decision.
49.153	Notice before taking certain actions	Move this language to 49.151 Wisconsin works; sanctions.
49.155(1m)	Eligibility for CC	Remove word “unsubsidized” in “2. Work in an unsubsidized job, including training provided by an employer during the regular hours of employment.” Because it excludes transitional jobs.
49.159	Noncustodial Parents	Remove requirement that the dependent child’s custodial parent needing to be a participant as it is too prohibitive.
49.159	Custodial parents	Move this to 49.15 Wisconsin works; 2-parent families.
49.175	Public assistance and local assistance allocations	Move to new Subchapter I.
49.195	Recover of AFDC and W-2 benefits	Consider revising section name this because it can be confused with overpayment recovery and collection.
49.26	Learnfare	Keep this section with new Subchapter II – DCF; Wisconsin Works and Wisconsin Shares Child Care Subsidy.
49.26	Learnare	Remove “a county department” from this entire section.
49.26(h)2	Learnfare	Remove references to AFDC and 49.19 because this is no longer relevant since AFDC is gone.
49.273	Research, Investigation	Move to new sub II with 49.27 because this considered a duty or power of the Department.
49.275	Cooperation with federal govt.	Move to new sub II with 49.27 because this considered a duty or power of the Department.

<b>Statute</b>	<b>Item</b>	<b>Detail</b>
49.29	Loss of eligibility	Remove references to AFDC and 49.19 because this is no longer relevant since AFDC is gone.
49.32(3) – (6)	Uniform Manual	Remove references to AFDC and 49.19 because this is no longer relevant since AFDC is gone.
49.32(8)	Period Earnings Match by Department	Keep this section with new Subchapter II – DCF; Wisconsin Works and Wisconsin Shares Child Care Subsidy.
49.32(9)	Monthly Reports of Recipients	Remove references to AFDC and move to 49.143: Wisconsin Works; agency contracts
49.32(10)	Release of Info to Law Enforcement	Reference 49.145(5) (Request Information)
49.32(10m)	Release of address of recipients involved in legal proceedings	Reference 49.143(5) (Request Information)
49.35(bm)		Remove this language because it is no longer relevant since AFDC is gone.
49.83	Limitation in giving information	Reference 49.143(5) (Request Information)
49.84	Verification of public assistance applications	Reference 49.145(2)(g) (Eligibility)
49.84	Verification of public assistance applications	Define “public assistance”

## Notes:

Relief Block Grant Language – with the exception of tribal programs, county general relief programs are gone effective 7/1/11. This will repeal about half the language in Subchapter II (slated to move to Subchapter V).

### Statutory Language Change Suggestions

The following change to s. **49.138(4)(c)** is recommended:

(c) If the administering agency is a Wisconsin works agency, the department may review the decision of the Wisconsin works agency if, within 44 21 days after the date on which the certified copy of the decision of the Wisconsin works agency is mailed, the applicant or participant petitions the department for a review of that decision.

The following change to s. **49.143(2)(a)** is recommended:

**49.143(2)(a)** Establish connections with the local employment community.

More specifically, the W-2 agency shall do the following:

Establish a community steering committee within 60 days after the date on which the contract is awarded. ~~The Wisconsin works agency shall recommend the members of the committee to the chief executive officer of each county served by the Wisconsin works agency. The chief executive officer of each county shall appoint the members of the committee.~~ The number of members that each chief executive officer appoints to the committee shall be in proportion to the population of that officer's agency's county, as determined by the W-2 agency, relative to the population of each other county served by the Wisconsin works agency, except that the chief executive officer of a county that is not a Wisconsin works agency shall appoint the director of the county department under s. 46.215, 46.22 or 46.23, or his or her designee, and one other representative of the county department under s. 46.215, 46.22 or 46.23. ~~The committee shall consist of at least 12 members, but not more than 15 members.~~ The members of the committee shall appoint a chairperson who shall be a person who represents business interests. The committee shall ~~do all of~~ consider doing the following:

1. Advise the Wisconsin works agency concerning employment and training activities.
2. Identify and encourage employers to provide permanent jobs for persons who are eligible for trial jobs or community service jobs.
3. Create, and encourage others to create, subsidized jobs for persons who are eligible for trial jobs or community service jobs.
4. Create, and encourage others to create, on-the-job training sites for persons who are eligible for trial jobs or community service jobs.
5. Foster and guide the entrepreneurial efforts of participants who are eligible for trial jobs or community service jobs.
6. Provide mentors, both from its membership and from recruitment of members of the community, to provide job-related guidance, including assistance in resolving job-related issues and the provision of job leads or references, to persons who are eligible for trial jobs or community service jobs.
7. Coordinate with the council on workforce investment established under 29 USC 2821 to ensure compatibility of purpose and no duplication of effort.
8. Work with participants, employers, child care providers and the community to identify child care needs, improve access to child care and expand availability of child care.
10. Identify motivational training programs, including programs that enhance parenting skills.

The following change to s. **49.143(cr)** is recommended:

**49.143(cr)** Identify resources to provide, or contract with another person to provide, credit establishment and credit repair assistance to participants. ~~Prior to providing, or contracting with another to provide, the assistance specified under this paragraph, the Wisconsin works agency shall submit a proposed plan for the provision of that assistance to the department.~~

The following change to s. **49.143(2m)** is recommended:

**49.143(2m) NUTRITION OUTREACH.** ~~A Wisconsin works agency may establish a nutrition outreach program with the community steering committee established under sub. (2) (a). The Wisconsin works agency and community steering committee may~~ Coordinate with local food pantries and food banks and other interested parties to increase the supply of food available. ~~Under the outreach program, the Wisconsin works agency may do anything that it determines would best effect the desired outcome of the program, including by doing any of the following:~~

- (a) Establish a local drop-off point for donated food.
- (b) Establish a hotline for information about the availability of food and the types of food to donate.
- (c) Coordinate with volunteer organizations for food collection activities.
- (d) Seek ongoing periodic commitments of donations from individuals, businesses, religious associations and civic groups.
- (e) Recruit mentor families.
- (f) Establish a subcommittee of the community steering committee that includes qualified aliens and that may do any of the following:
  - 1. Develop flyers identifying culture-specific foods and preferred packaging of donated food.
  - 2. Plan meal-oriented social events for mentors and qualified aliens.
- (g) Obtain culture-specific food from statewide food banks.

The following technical change to Wis. Stat. **49.143(3g)** is recommended:

**(3g) PERFORMANCE BONUSES.** (a) The department shall base any performance bonus calculation that it makes for Wisconsin works agencies on ~~all of the following~~ performance criteria. The Department shall by rule specify performance criteria.  
~~1. The placement of participants in Wisconsin works employment positions into unsubsidized employment, as defined in s. 49.147 (1) (c).  
2. Whether the placement under subd. 1. is full time or part time.  
3. The job retention rate, as defined by the department, of former participants in Wisconsin works employment positions.  
4. Wages and benefits earned by former participants in Wisconsin works employment positions.  
5. Appropriate implementation of Wisconsin works.  
6. Customer satisfaction.~~

(b) The department may not base any performance bonus payments on caseload decreases, or reduced spending by the Wisconsin works agency, that are not directly attributable to placement of participants in unsubsidized employment.

The following technical change to s. **49.143(5)** is recommended:

**(5) REQUESTS FOR INFORMATION.** (a) ~~In accordance with rules promulgated by the department,~~ a Wisconsin works agency may request from any person any information ~~that it determines appropriate and necessary for the administration of~~ to determine eligibility for Wisconsin works and placement in a W-2 employment position. ~~The Department shall promulgate rules identifying what information is necessary under this subsection.~~ Any person in this state shall provide this information within 7 days after receiving a request under this paragraph. The Wisconsin works agency may extend the 7-day time limit for an individual for whom compliance with that limit would be unduly burdensome, as determined by the agency. The Wisconsin works agency may disclose information obtained under this paragraph only in the administration of Wisconsin works. The Wisconsin works agency shall keep all information that it receives regarding victims

of domestic abuse strictly confidential, except to the extent needed to administer Wisconsin works.

The following technical change to s. **49.45(2)(h)** is recommended:

~~49.145(2)(h) The individual has made a good faith effort, as determined by the Wisconsin works agency on a case-by-case basis, to obtain employment and has not refused any bona fide offer of employment within the 180 days immediately preceding application.~~

The following technical change to s. **49.145(2)(hm)** is recommended:

~~49.145(2)(hm) If the individual has applied for Wisconsin works within the 180 days immediately preceding the current application, the individual has cooperated with the efforts of a Wisconsin works agency to assist the individual in obtaining employment.~~

The following technical change to s. **49.45(1)(n)** is recommended:

~~49.145(1)(n) 1. Except as provided in subd. 4., beginning on the date on which the individual has attained the age of 18, the total number of months in which the individual or any adult member of the individual's Wisconsin works group has participated in, or has received benefits cash assistance\* under, any of the following or any combination of the following does not exceed 60 months, whether or not consecutive: a. The job opportunities and basic skills<sup>†</sup> program under s. 49.193, 1997 stats. Active participation on or after October 1, 1996, in the job opportunities and basic skills program counts toward the 60-month limit. b. A Wisconsin works employment position. c. Any program in this state or in any other state funded by a federal block grant for temporary assistance for needy families under title I of P.L. 104-193, if the individual received benefits under that program that were attributable to funds provided by the federal government. 2. Except as provided in subd. 4., in calculating the number of months in which the individual participated under subd. 1., the Wisconsin works agency shall include any month in which any adult member of a Wisconsin works group participated in a Wisconsin works employment position, if the individual was a member of that Wisconsin works group during that month. 3. A Wisconsin works agency may extend the time limit under this paragraph only if the Wisconsin works agency determines, in accordance with rules promulgated by the department, that unusual circumstances exist that warrant an extension of the participation period.~~

~~4. In calculating the number of months under subds. 1. and 2., a Wisconsin works agency shall exclude, to the extent permitted under federal law, any month during which any adult in the Wisconsin works group participated in any activity listed under subd. 1. a. to c. while living on a federally recognized American Indian reservation, in an Alaskan Native village or, in Indian country, as defined in 18 USC 1151, occupied by an Indian tribe, if, during that month, all of the following applied:~~

~~a. At least 1,000 individuals were living on the reservation or in the village or Indian country.~~

~~b. At least 50% of the adults living on the reservation or in the village or Indian country were unemployed.~~

The following change to s. **49.147(2) 1. and 2** is recommended:

**(2) UNSUBSIDIZED EMPLOYMENT.** (a) *Job search, orientation and training activities.* 1. An individual who applies for a Wisconsin works employment position may be required by the Wisconsin works agency to search for unsubsidized employment during the period

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\* The definition of cash assistance shall mirror the federal definition of cash assistance.



that his or her application is being processed as a condition of eligibility. A participant in a Wisconsin works employment position shall search for unsubsidized employment throughout his or her participation. The department shall define by rule satisfactory search efforts for unsubsidized employment.

2. A Wisconsin works agency may require an applicant for a Wisconsin works employment position to participate in job orientation during the period that his or her application is being processed as a condition of eligibility. ~~A Wisconsin works agency may require a participant in a Wisconsin works employment position to engage in training activities in accordance with rules promulgated by the department as part of the participant's participation requirements.~~

The following technical change to s. **49.147(4)(at) and 49.147(5)(bt)** is recommended:

~~(at) *Motivational training.* A Wisconsin works agency may require a participant, during the first 2 weeks of participation under this subsection, to participate in an assessment and motivational training program identified by the community steering committee under s. 49.143 (2) (a) 10. The Wisconsin works agency may require not more than 40 hours of participation per week under this paragraph in lieu of the participation requirement under par. (as).~~

~~(bt) *Motivational training.* A Wisconsin works agency may require a participant, during the first 2 weeks of participation under this subsection, to participate in an assessment and motivational training program identified by the community steering committee under s. 49.143 (2) (a) 10. The Wisconsin works agency may require not more than 40 hours of participation per week under this paragraph in lieu of the participation requirement under par. (bs).~~

The following change to s. **49.147(5m)** is recommended:

**49.147(5m) POSTSECONDARY EDUCATION.** (a) To the extent permitted under 42 USC 607, and except as provided in par. (bL), a participant under sub. (4) (b) or (5) may participate in a technical college education program as part of a community service job placement or transitional placement if all of the following requirements are met:

- ~~1. The Wisconsin works agency, in consultation with the community steering committee established under s. 49.143 (2) (a) and the technical college district board, determines that the technical college education program is likely to lead to employment.~~
2. The participant maintains full-time status in the technical college education program, as determined by the technical college that the participant attends, and regularly attends all classes.
3. The participant maintains a grade point average of at least 2.0, or the equivalent as determined by the technical college.
4. The participant is employed or engages in work under a community service job or transitional placement ~~for 25 hours per week~~ in addition to participation under this subsection. The number of hours per week required by a community service job or transitional placement participant under this subsection shall be determined by the Wisconsin works agency not to exceed 40 hours per week.

(bL) A participant may participate under this subsection for the duration of the technical college education program, except that the participant may not participate under this subsection for more than 2 years.

(c) The Wisconsin works agency shall ~~work with the community steering committee established under s. 49.143 (2) (a) and the technical college district board to monitor the participant's progress in the technical college education program and the effectiveness of the program in leading to employment.~~

(d) The Wisconsin works agency shall not have any obligation to pay for the costs of the technical college program.

The following change to s. **49.151 (2)** is recommended:

49.151 (2) Intentional Program Violations:

~~If a court finds or it is determined after an administrative hearing~~ it is determined that an individual who is a member of a Wisconsin works group ~~member applying for or receiving benefits under ss. 49.141 to 49.161, for the purpose of establishing or maintaining eligibility for those benefits or for the purpose of increasing the value of those benefits,~~ has intentionally violated, ~~on 3 separate occasions,~~ any provision in ss. 49.141 to 49.161 or any rule promulgated under those sections, ~~that individual may request an administrative hearing to contest the intentional program violation determination; after three such intentional program violations,~~ that individual may request an administrative hearing to contest the intentional program violation determination; after three such intentional program violations, the Wisconsin works agency may permanently deny benefits under ss. 49.141 to 49.161 to the individual.