

BUREAU OF WORKING FAMILIES (BWF)
Act 28 (2009 – 2011 Biennial Budget)
Policy Section
Talking Points

- The 2009-2011 Biennial Budget was signed into law on June 29, 2009 under Wisconsin Act 28.
- The following items were included in the final bill:

Policy Change	Statutory Reference	Initiated Change	Details	Effective Date of Statute
Refusal to Participate	49.151 (1)	DCF	<ul style="list-style-type: none"> • Replaces the lifetime ban for refusing to participate with W-2 program requirements on three occasions (strikes policy) with a three month ineligibility period when someone has been determined to have refused to participate. • Requires the department to create administrative rules defining what is considered a refusal to participate. • Requires a conciliation period that allows the participant to comply with program requirements prior to the 3-month case closure. 	10/30/09 (but admin rules must be developed first)
Twenty-four Month Time Limits	49.147(3)(c) 49.147(4)(b) 49.147(5)(b)2	DCF	Eliminates the 24-month time limits for Trial Jobs, Community Service Jobs (CSJ) and W-2 Transitions (W-2 T).	10/30/09
Required Hours of Participation	49.147 (4) (as)49.147(5)(bs)	DCF	For both CSJ and W-2 T, the required hours of work training activities and education and training activities (up to 30/10 and up to 28/12) was changed to require up to 40 hours per week in combined activities.	10/30/09
Child Support	49.145 (2) (s)	Governor	Increases the child support pass through to 75%.	10/1/10
At-risk Pregnancy Payment	49.148 (1m)	Governor	Creates a new payment type for an unmarried pregnant woman who would be eligible for W-2 except that she is not a custodial parent and who is in the 3 rd trimester of a pregnancy that is medically verified and that is shown by medical documents to be at risk and therefore she is unable to participate in the workforce.	1/1/10
Fraud	49.197 (2) (b) & (c)	Governor	Clarifies who can establish a fraud program and requires any recovered amounts of money to be retained by the W-2 agency to pay cash benefits to W-2 participants.	1/1/10
Update to W-2 Group definition	49.141 (1) (s)	Governor	The definition contains a statutory reference to general relief cash assistance. This statutory reference is being eliminated thus creating the need to revise the definition.	7/1/11
Subsidized Private Sector Employment	49.147(4m)	Senate	Creates a subsidized wage placement in which participants will be paid state or federal minimum wage in exchange for participation. There are a number of requirements such as: cost to administer a subsidized	Not before 1/1/11

Policy Change	Statutory Reference	Initiated Change	Details	Effective Date of Statute
			placement cannot exceed what it would cost for a CSJ participant; cash received by subsidized wage participant must not be less than what is received by a CSJ participant.	
Transitional Jobs demonstration project	49.148(1)(d)	Senate	Requires the Department to conduct a demonstration project that offers transitional jobs to low income adults. In order to be eligible, the individual must: <ul style="list-style-type: none"> • Be at least 21 but not more than 64 • Be ineligible for W-2 • Be below 150 percent of FPL • Be unemployed for at least 4 weeks • Be ineligible for UI The Department must seek federal funds to pay for the cost operating the demonstration project.	1/1/10
Up-Front Job Search	Non-statutory Provision	Joint Finance	Added a non-statutory provision that requires the Department to add a provision to the '10-'11 contract that prohibits the W-2 agency from requiring a W-2 applicant or participant to conduct a job search prior to actual participation in W-2 such that the effect is to delay, during the job search, the individual's participation in and receipt of benefits under Wisconsin Works. This was included in the RFP.	

- Items you may have heard about that were not included in the final biennial budget bill:
 1. *Eliminate the W-2 eligibility requirements that require an applicant to a) **search for a job within the 180 days prior to applying for W-2**; and b) **have participated with the W-2 agency in the 180 days prior to applying for W-2** – the elimination of this statutory language was recommended by DCF, but was not included in the Governor's Biennial Budget bill.*
 2. *Changing the **state 60-month lifetime limit** to be consistent with the federal 60-month life time- this proposed statutory change was recommended by DCF and included in the Governor's Biennial Budget bill, but the original language was restored by the Senate in their version of the budget bill.*
 3. *Eliminate the statutory requirement for the **Learnfare** program – the elimination of this statutory language was recommended by DCF and included in the Governor's Biennial Budget bill, but the language was restored by the Senate in their version of the budget bill.*

4. *Extending the months of eligibility for the **Custodial Parent of an Infant payment** from 3 months to 6 months* – this proposed statutory change was included in the Governor’s Biennial Budget bill, but the original language was restored by the Senate in their version of the budget bill.
 5. *Eliminate the statutory requirement for **Community Steering Committee and Children’s Services Network*** – this proposed statutory change was recommended by DCF and included in the Governor’s Biennial Budget bill, but the language was restored by Joint Finance early in the budget process because it was considered to be “non-fiscal” policy.
- The Bureau of Working Families is currently analyzing the changes to the law and developing an implementation workplan. We will make biennial budget updates a standing item on the PPO agenda.